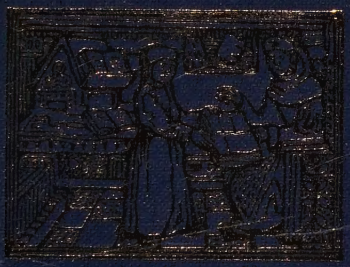
ACPL ITEM
DISCARDED



30.208
n3r
.12
537693

M. L.

BASEMENT STORAGE

REFERENCE

ACPL ITEM
DISCARDED





Digitized by the Internet Archive
in 2022 with funding from
Kahle/Austin Foundation

https://archive.org/details/englishrecusantl0012john

ENGLISH RECUSANT LITERATURE
1558–1640

*Selected and Edited by*
D. M. ROGERS

Volume 12

JOHN LESLIE

*A Defence of the Honour of*
*Marie Quene of Scotlande*
*1569*

*The Copie of a Letter Writen*
*out of Scotland*
*[1572]*

JOHN LESLIE

*A Defence of the Honour of*
*Marie Quene of Scotlande*
*1569*

THE PUBLIC LIBRARY
OF
FORT WAYNE ALLEN CO., IND.

Scolar Press
1970



*Published and Printed by The Scolar Press Limited*
*20 Main Street, Menston, Yorkshire*
*England*

*NOTE*

1537693

The following works are reproduced (original size), with permission, as follows:

(1) John Leslie, *Defence,* 1569, from a copy in Glasgow University Library, by permission of the Librarian.

*References:* Allison and Rogers 452; STC. 15505.

(2) A fragment of (1) in a different setting, from a copy in the British Museum, by permission of the Trustees.

*Reference:* Allison and Rogers 452.

(3) John Leslie, *Copie of a Letter,* [1572] from a copy in Cambridge University Library, by permission of the Syndics.

*References:* Allison and Rogers 451; STC. 17566.

# A defence of the honour of the right highe, mightye and noble Princeſſe Marie Quene of Scotlande and dowager of France, with a declaration aſwell of her right, title & intereſte to the ſucceſſion of the crowne of Englande, as that the regimente of women ys conformable to the lawe of God and nature.



.1618.

Imprinted at London in Flete ſtrete, at the ſigne of Iuſtice Royall againſt the Blacke bell, by Euſebius Dicæophile. Anno Dom. 1569.

Made by Morgane Phillipes bacheler of Diuinitie Anno. 1570.

# THE AV-
## THOVR TO THE
### GENTLE READER.

IT ys not vnknowen to the (gẽtle Reader) beinge an Englishe man vvhat greate contention hathe of late risen in England, what hote scholes and disputations haue bene kepte in manye places here, towchinge the right heire apparente of the crowne of England, yf God call to his mercie our gratiouse Quene & Souereigne Elizabethe, with owte issewe of her bodye. Neither hathe this sturre stode withe in the liste of ernest and feruente talke of eche side, but men haue gone on farther, and haue aswell by printed as vnprinted bookes, done theire indeuour to disgrace, blemishe and deface, as muche as ī them lieth, the iuste title claime and intereste of the noble and excellente Ladie Marie Quene of Scotlande, to the foresaide crowne: Yea they haue in vtteringe theire grosse ignorãce, or rather theyr spitefull malice againste her grace, ronne so on headlonge, that they haue expressely de-

*whattalke and vvritinge haue bene towchinge the tyght of the Quene of Scotlãde to the succession of the crovne of Englãd*

*All vvomans regiment rejusted of some*

nied and refuſed all womanlye gouerne-
mente. Amonge other one of theys raſhe,
hote, haſtie and headye companions, hathe
caſte abrode abowte Iulye laſt, a poyſoned
peſtiferous pamflett, againſt the ſaide Que-
nes clayme and intereſt. Wherein he auou-
chethe alſo that the ciuill regimente of wo-
men, ys repugnante bothe to the lawe of
nature, and to the lawe of God. It ys more
ouer well knowen to all Englande and
Scotlande, what a buſines and ſturre there
hathe bene, what earneſt vehemente and
violẽte talke, what falſe fained and forged
reportes and opprobrioufe ſlaunders haue
bene bruted, as well in the one as in the o-
ther realme, againſte the ſayde vertuouſe
good innocence Ladye and Quene, by the
craftie malicioufe drifte of her rebellioufe
ſubiectes. Who haue not onlye blowne a-
brode, and filled mennes eares with lothe-
ſome and heynouſe accuſations againſt her
grace, towchinge the ſlawghter of her late
deare huſbãde: But haue alſo vpon this falſe
ſlanderouſe crimination taken armes a-
gaĩſt her, empriſoned her, & ſpoyled her of
all mãner her coſtelye apparell & Iewelles,
and alſo bereaued her of her princelye and
Royall auᵭhoritie, intrudinge them ſelues
into

into the ſame, vnder the name and ſhadowe of the yonge Prince her ſonne. Towchinge all theys poinctes, ye ſhall haue nowe, good reader, in this treatiſe followynge deuided in to three bookes, an anſwere. And for as muche as Salomon writethe, and this good Ladye ſo takethe yt, that a good name ys to be praiſed and valewed aboue all pretiouſe oyntementes, aboue all golde and ſyluer, and that the impayringe of her honour by theys fowle and ſlawnderouſe reportes, dothe towche and nippe her harte nerer, then maye the loſſe of anye worldelye honour, hanginge vpon her by expectation, or that ſhe hathe enioyed, or dothe preſentlye enioye, or any other greauouſe iniuries that ſhe hathe moſt wrongfullye but moſt pacientlye ſuffred. Yt ys thowght good that the defence of her honour ſhoulde forgoe the other two bookes, wherof the former entreatethe, debatethe and diſcuſſethe the right title and intereſt of the ſayde Quene Marye, to the ſucceſſion of this crowne of Englande. Declaringe her ſayde right and title to be good and lawfull, by the common lawe of this

*The contentes of the bookes followinge.*

Eccleſi. 7. Proue. 22.

realme, and the actes of parliamẽte therein holdẽ, with a full answere of suche obiections, as the aduersaries laye forthe against her saide right, by coulour of the saide lawe or parliamentes. And for as muche as with our foresaide newe foũde doctour, neither common lawe, nor actes of parliamente, seame to serue for a sufficiente plea, but that we are by him driuen, also to pleade by the lawe of nature and by scripture: We haue adioyned in the thirde booke a cõueniente answere to this fonde fantasticall and daungerous assertiõ, aswell to the states of other Princes, as to the state of his and our gratiouse Souereigne. Wherein we anouche womans regimẽte to be cõformable bothe to the lawe of God, and the lawe of nature. Which tretise maye seme pchance to some as superfluous, neither I greatlye denye yt, and there fore might, and vvolde gladlye haue spared so muche labour and trauaile, yf this litle poisoned pamflett had not manye readers, and many also fauorers and allowers, or yf the matter did nor so nighe towche euen our owne gratious and noble Souereigne, or yf this lewde assertion were nor (as yt were by a Samsons poste) vvithe the countenance of the lawe of nature, and

Godes

Godes holye vvorde vnderpropped, or yf thar Godes holye vvorde were not nowe a dayes wretchedlye applied (God reforme yt) and licenciouſlye vvreathed & vvreſted to the maintenaunce of euerye priuate mās fanſie and follye, and as fondelye and foliſſhelie credited & embraced alſo of other fantaſticall perſons, or yf this man were the firſt, or like to be the laſte mainteyner and ſetter forthe of ſuche a ſtrāge and daungerous Paradoxe. Or yf, there haue not alredy bene publiſſhed and divulged by printe engliſhe bookes, for the maintenance of the ſaide ſtrange doctrine. Which vvas (yf vve ſhall credit the ſetters forthe of yt) firſte well cōſidered, & then aduiſedlye allowed by ſuche perſons, as a greate multitude of people in manye contreyes do nowe greatlye eſteme and honour, or yf the daunger of this doctrīe ſtretched not to many other greate Princes and kingdomes, or to conclude, yf the divulgation of this doctrine, ſtode onlye in Engliſhe Bookes, and that there vvere not, that haue ſhewed theire fonde fanſie therein euen in the latin and moſt common tongue of all. For theys and other cauſes, vve haue ſett in the laſt booke a confutation of this groſſe and dangerous

*Se the firſt Blaſte.*

*Bodinus in metho. ad cognit. hiſtor.*

error. where as alſo he ẽueye the moſt ſlanderouſelye againſt her highnes for the foreſayde ſlaughter vvith bare naked, but ſpitefull reproches and oute cries, with owte anye manner of kinde or countenance of good proufe, we will referre the Reader to the foreſaide defence of her honour. By the which anſvvere ye ſhall ſee her integritie & innocencie, and vvith all that her accuſers have in this matter played ſuche a Tragedie agaynſt theyre gwyltles Ladie and gratioufe Sovereigne, as lightlie the worlde hathe not harde of the lyke. The whiche theire falſe ſlaunderouſe, owtragiouſe, rebelliouſe doynges, yt ys hoped that our gratiouſe Quene wyll well conſider and ponder, and wyll take ſome conveniente order alſo, alwell for the repreſſinge of them, as for the reſtitution of the ſayde Quene Marie into her owne realme. And the rather bycauſe our ſaide Quene ys learned, and therefore not ignorante what greate cõmẽdation and immortall fame, manie kynges haue purchaſed to them ſelves for ſuche benefitt beſtowed vpon other Princes, beynge in the like diſtreſſe and extremitie. The monumẽtes of antiquitie, as well prophane as Eccleſiaſticall are filled withe the

*The commẽdations of diuers kinges for releauinge of other Prĩces beingein extremitie.*

the memorie of ſuche noble factes. In holye ſcripture we reade that Abraham cowragiouſelie and manfullie delivered hys brother Lothe, whith certaine Kynges taken priſoners by theyre enimies. Cyrus deliuered the Iewes from captiuitie. Evelmerodaehe delivered Ioachim the Kynge of Iuda ovvte of priſon. The Romans dyd write to divers Kynges in the favour of the Ievves vniuſtlie oppreſſed. What ſhall I ſpeake of Alexander the greate, that reſtored Ada the Quene of Caria? Or of the foreſaide Romans that reſtored Maſiniſſa the Kynge of Numidia, with manie other Kynges? Or of our noble Cordell, that ſett vp agayne in the Royall throne of our Britannie, her father driuen from thence by hys two other vnkinde and vnnaturall dowghters? Some Princes of this our realme haue in theyre greate calamitie, & amõge other, kinge Henrie the ſixte fownde muche cõforte, frẽdſhippe, ſuccour and relief, at the kinges handes of Scotlande. This Ladie & Quene deſierethe nowe to taſte the like at our Quenes handes. Whereby ſhe ſhall winne greater commendation, then did Charles the late Emperour, for reſtorĩge either of Frãcis Sfortia to the dukedome of Millane, or of Muliaſſes to the kĩgdome of

Geneſ. 14.

Eſdræ. 1.

4. Reg. c. vlt.

1 Machab. 15.

Tunes, or of his ſõne kinge Philippe for procuringe the reſtitution of the Duke of Sauoye. For this Ladye and Quene ys her moſt nighe neighbour by place: And her nighe coſen and ſiſter by bloude. She ys a Quene, and therefore this vvere a fitt benefitt for her relief from a Quene. Yea ſhe ys, as yt were her dawghter, bothe by dawghterlye reuerẽce ſhe bearethe her maieſtie, and by reaſon ſhe ys of God called to the daughters place in the ſucceſſion of the crowne, yf her maieſtie faile of iſſewe. And I dowbte nothinge, yf ſhe imploye this motherlye benefitt vpon her, but that ſhe ſhall finde her, a myndefull, thankfull, & an obediente dawghter. For of all women in this vvorlde, ſhe abhorrethe ingratitude. She hathe hitherto depended onlye vpon the hope, to haue helpe and ſuccour of her maieſtie, geuinge ouer, partelye voluntarie, partelye at the motion of her maieſtie, diuers profers of aydę and ſuccour by other mightie and puiſſante Princes her frendes frelye to her offered: repoſinge her ſelf vpõ the fayre and princelye promiſes that her Maieſtie hathe made to her ſondrye tymes alwell by lettres, as by meſſengers, for her relief: when ſo euer oportunitie ſhoulde occaſion

*The greate truſte that the Quene of Scottes hathe euer had in her deare ſyſter the Quene of Englãd.*

caſion her to craue yt. For theys and manye other cõſiderations, there ys good hope, as ys a foreſayde, that our gratiouſe Maiſtreſſe will take in hande her reſtitution. Wher vpon, I truſt, ſhall followe ſuche farther and entire amitie betwene them bothe, and theire realmes, that the benefitt, fruite, and commoditie therof ſhall plentifullye redowne, aſwell to all the poſteritie of bothe the ſayde realmes heare after, as to vs preſentlie.



# The printer to the reader.



Require ād hartelie praye the (good and louinge reader) that yf in this præſent Boke thou finde any alligation not dewlye coted, or a poinct out of place, a lettre lackīg, or other wiſe altered: as, n, for, u, and ſuche littill light faultes againſt orthographiæ, thov wilt neither impute the ſame to the authour of this worthie Worke, nor yet captiouſlye controule the errour: but rather of thy humanitie and gentilnes, amende that which is amiſſe with thy penne. For if thou diddiſt knowe with what difficulté the imprinting herof was atchiued, thou woldeſt rather curtouſlye of frendlye faueur pardon many greate faultes, than curiōuſlye withe rigorouſe cenſure to condemne one litle.

ee Chriſte kepe the in his faithe and feare præſentlie and perpetuallye. Amen.

# A DEFENCE OF THE HONEVR OF THE ryght hyghe, ryght myghtye and noble Princeſſe Marie Quene of Scotlande, and Dowagere of France.

## The fyrſte Booke.

IT WERE to be wiſſhed, that as God and nature hathe moſte decentlie, ordinatelie, and providentlye furniſshed and adorned man, with two eyes, two eares, and butt withe one mowthe, and one tongue, wõderfulye brydled and kepte in with the lippes & the teathe: So men wolde cõſider the cauſe of yt, ãd the greate prouidẽce of God therein, And after dewe conſideration vſe them ſelues accordingelie. Then shoulde we ſone learne and practiſe a good leſſon, to heare and ſee manye thynges, and yet not to rune headlõge, nor rudelie ãd rashelie to talke of all we here and ſee. But to talke within a cõpaſſe, and to referre all our talke to a temperancie and ſobrietie, and to a knoven tryed trevthe: eſpeciallie where the ſayde talke maye ſownde, to the

*whie that nature hathe geven to man too eyes and twvo eares and but on tongue.*

blemishinge and diſgracinge of anie mans good name and eſtimatiō. But nowe a daies (the more pittie) thereis nothinge almoſte but that as ſone, as yt ys perceaued by the eye or eare, muſt forthwithe be laſſhed owte agayne by the mowthe, ſuche a ſuperfluouſe and curiouſe ytchinge we haue diſſolutelie, and vnadvyſedlie to talke of all matters, thowghe they tende to the greate hynderance and infamie of manye of our bretherne And thowghe we be nothinge aſſured of the certaine trewthe of the matter, yea withoute reſpecte to pryuate or publike perſons. Of ſuche vnbrydeled talke, no man or woman in our dayes hathe, as I ſuppoſe more iuſte cauſe to cōplaine, then the ryght excellente Princeſſe ladie Marie Quene of Scotlāde: whoſe honour manie haue gone abowte to blotte and deface in chargynge her moſt falſelie and iniuſtlie, withe deathe of her late huſbōde the lorde darley. For the defence and mainteynynge of whoſe innocencye in thys behalf, we intende to laye forthe, before the gentle reader, the moſte cheif and principall reaſons, grounds and arguments, where vppon the patrones, the inuenters and workers, of all theis myſcheavouſe and develyshe dryfts,

grown-

grownded them ſelves and all theyre owte-ragyouſe doyngs. And then conſequentlye to infringe and repulſe the ſame. For to reheatſe, anſwere to, and repell all theyre aſſertions and obiections, yt woulde require a verie longe, tediouſe, and a ſuperfluouſe diſcourſe, in as muche as theis iolye gaye oratours, meaſuringe theire doings, more by nombre of falſe obiections, then by trewe, ſubſtanciall and pithie matter, to make a goodlie florishe and a trime shewe, to face owte and countenance theyre craftie iuglings, And to cover theyre diſordered dealings, there with all, have raked vppe and heaped together onevppō an other, againſt theyre good maiſtreſſe and Sovereyne Quene, no ſmall nomber of ſlawnderouſe Articles. But in all this rablemēte, in all this rakynge and rackynge, what thinge elſe do thei butt vtter and diſcloſe theire owne ſpitefull mallice, and malicionſe ſpite, to the diſcrediting of theire cauſe, and them ſelves alſo. Eaven as the accuſers of Ariſtophen amonge the Atheniēſes did, by whōe he beinge nynetie and five tymes greavouſelie accuſed, was yet everie time by the Iudges cleared, and fownde gyltles. As I do no whitte dowbte, but that this good inno-

cente ladie wylbe, by the verditt and ſentéce, of all indifferente men, ridd and vnburdened in like manner, of all māner of ſuſpition, that theys reprochfull men wolde by theyre mallice and ambition brynge her into, by theyre wylls withe all the worlde. For as goodelie and as greate a muſter as thei make, two parts of theyre ſlawnderouſe accuſations, are manifeſt falſe, and open vntrewthes, and fowle forged lyes. The reſidewe therof, thowghe in ſome parte they beare trewthe, ād be nothynge prẹiudiciall to the Quene in this matter, yet are they full calumniouſelie, and merveloufe maliciouſelie depraued, drawne and wreſted to the worſte. The effecte and drifte of the whole tendethe to thys, that firſte thei wolde we ſhoulde beleave that after her mariage, her minde was as yt were alyenated from her huſbande. Secondlie theie p̄tende certaine lettres, that theye ſurmiſe, & wolde have, to haue bene wrytté by her grace, whereby they ſeake to inferre againſte her manie a preſumption, as theyre wylye braines imagine. But the moſte wayghtye of thé all, ſeamethe to them to be her pretenſed mariage, wherof we wyll laſtlye entreate. And yet thoughe thei have done,

their

their woorſte, though thei have caſte owte, all theire ſpite and mallice againſte her, yet neuer have thei bene able by anie directe and lawfull meanes, to proue ani thinge at all, wherebi thei maie ſtaine her graces honour, in anie one of the foreſaide points. Had they browght forthe anie ſuche neceſſarilie concludinge illation, we had not attẽpted thys defẽce in her behalf, but wold have yelded, and geven place to an open knowen trewthe. But ſeynge that the beſte matter they haue to ſupporte theire doings with all, ys nothinge elſe, but preſumptions and ſurmiſes, wiche yet are not of the ſureſt and moſte probable ſorte, neyther ſuche, as are preſumptiones iuris, & de iure, contra quas non admittitur probatio. Seinge alſo, that we owght alwayes in crminall cauſes, but cheifelie when a Prince ys tovvched, vvho ys Gods annointed, to be more proclive and prone to favour, then to hatred, to be redier to abſolve and releace then to deteine and condemne. And that yt ys farre better, and a more ſuer, more indifferente, and vpright vvaye to ſave the gvvyltyes lif, then to condemne and caſt awaie the innocente: I truſte and am in aſſured hope, that all the indiferẽte readers herof (thys being

*Mẽ ſhould be rather prone to abſolve then to cõdemne.*

the cauſe and vvofull aduerſitie of a Prince, vvhereas the like eſtate of Princes ovvght, and is vvonte to moue and ſturre all honeſt harted men to comiſeration and pittie, and to do theire indeuour, to the redreſſe and reformation of ſuche vvronge and oppreſſion done) vvyll vvith indifferencye, and vvith oute all parcyallitie vveyghe and conſydere the allegations of the one and the other ſyde, and iudge of the matter as yt fallethe owte accordyngelie, vvich ys the verye thynge vve moſt deſire. And ſeinge the adverſaries throwghe oute all theire cauſe wander by gheſſes, and vncertayne preſumptiõs, let vs alſo, as I maye ſaye abvſe a lytle parte of ovvr defence, vvhat ſaye I abvſe (parchaunce trevvlye, yf vve had no better matter, or they had any good matter at all) naye rather vſe them accordingelye for the more ample and better tryall and iuſtification of our cauſe. We aske them then, vvhy the better and the ſtronger preſumptions, ſhoulde not fruſtrate avoyde and ſett backe the vveaker and the vvorſe? Thys ſexe naturallye abhorrethe ſuche butcherlye practyzes: ſuerly rare yt ys to heare ſuche fovvle practizes in vvomẽ. And maye vve finde in our harte to beleave, that yt ys novve at lengthe fovvnde in, and practized, by ſuche a ladye

and

and Princes, from vvhoſe perſon, her noble byrthe, her honorable ſtate, and princelye educatiõn, and the vvhole trade of all her godlye, and vertuouſe lyfe paſt, do farre repell and drive avvaye, all ſuche ſuſpitiõ and conjecturall preſumptions? And vvhom all chriſtian Princes haue had in highe eſtimatiõ, & vvorthie price, for her greate prudencie, and manie other princelie qualities, the vvhiche ful goodlie do adorne ād bevvtifie the grace & comlines of her roiall perſõnage. Dothe any man or vvomā fall to extreame levvdenes all at ons? No verelie, vve do bothe riſe & fall by degrees: aſwell to all ſinguler vertues, as to al extreame nawghtines. Let thē shevve me then yf they can anie euel doings in all her former life, vvher vpon to make a ſiniſter diuinatiõ to faſtenvpon her theire treacherouſe accuſatiõs? What vnſeamelie ovvtragiouſe, and vnprincelye parte hathe ſhe hitherto plaide? Let the noble roiaume of Frāce teſtifie of her demeanour & behauiour? Let her owne ſubiets thatbe not her opē enemies, charge her as farre as they can? Yea let theis her opē enemies, and her dowbledowble traitours accuſe her hardlie & ſpare her not? But yetlett them vvell thincke vvith all at theire better leyſure, and

they ſhalbe better adviſed vvhether there be anie indifferente parſon, vvho vvil not bothe deteſt, and vtterlie abhorre, the peruerſe and naughtie nature of ſuche ingrate traitours. Or that vvill not thincke yt farre vnlike that thys noble Quene, vvho hathe ſo gratiouſelie perdoned them dovvble ād treble treaſons, vvolde ever finde in her harte ſo to vſe her ovvne deare huſbande? This ys vnlikelie, This ys incredible: And the more all circumſtances conſidered. For yf she had bene ſo deſirouſe to have bene ridd of him, as they falſelie, and maliciouſelie imagine, and reporte her to have bene, she had good and lavvfull meanes to ſerve her turne. Albe yt he was her hedd in wedlocke, yet vvas he othervviſe but a membre of the Scottishe comon vvealthe, ſubiecte to her, as to his principall and ſupreme goverꝛneſſe, and to her lavves. By the devve ād ordinarie, proceſſe and courſe vvherof, he might iuſtlie have bene conuicted, cōdemned, and executed, as vvell for the murther committed vpon Dauid her Secretarie, in vvhoſe bodie his dagger vvas fovvnde ſtabbed: As for the impriſoninge of the Quene, ād for th'attemptinge to remoue her from ciuill gouuernement, to intrude him ſelf therto,

*It ys nothynge likelie that the Quene wolde haue ſowght the deſtructiō of the*

therto, ād for diuers other the like pageāts by him plaide. Who can nowe reaſonablie thincke, that vvhere she by lavve and iuſtice might haue fullie ſatiſfied this her falſeli ſurmiſed vvill and deſire, that ſhe vvolde not take theis opportunities in this ſorte offered, but omittinge them all, ſeake vnlavvfull meanes to his diſtruſtion? This vehement preſumption of her innocencie is much holpen for that she vvold not cōſent to a diuorſe betvvē her and the lordē Darlie (as vve shall hereafter declare) thoughe she vvere moued thereto by a greate numbre of her nobilité, and by ſuch as be nowe her greateſte aduerſaries. I adde farther thereto, as a greate and an vrgēte preſumptiō, and token of her innocencie and pure conſcience, that she voluntarilie came into England (refuſinge the offers of diuers of her ovvne ſubiects, vvho beſovvght her grace, to repaire into theire quarters, proferringe to preſerve her grace ſauf therein) vvhere she knevve right vvell vvere the father and mother of the ſaide lorde Darlei, And a noble Quene that vvolde not ſee the bloudde of her neare coſen vnrevenged, and a vvorthie ſorte of men of nobilitie alſo, vvho vvolde neither ſuffer ſuche a facte to paſſe

*lorde Darley by thys meanes whom she might haue openlie put to dealth by iuſtice. The Quene cōtrarie to the minde of her nobles came into Englande.*

and

and eſcape vnpuniſshed, nor ſo vertuouſe and gwyltles a Quene to remaine withowte aide helpe and ſuccour, beinge withe rebells ād traitours shamefullie opreſſed ād bereaued of her roiall dignitie The worthie ſainge alſo of the wiſe Caſſius, ys here to be remēbred, Cui bono? Wherby he did ſignifie, that in ſuche dowbtfull cōiectural caſes, a man maye make a greate aime and coniecture againſt the perſō appeached, yf by the facte doinge he shoulde enioie anie ſpecial profitt, emolumente or commoditie. Yf the Quene had after his fatall and finall endē, purchaſed to her ſelf the matchinge in mariage withe anie greate and mightie Prince for her greate aduancement, or anie other encreaſe of her honour or aduantage whatſœuer: there had bene ſome color ād shewe, whereby you might haue an apparent preſumptiō. Againe she was not ignorante but that his deathe, either procedinge from ſuche nawghtie meanes, or otherwiſe naturallie was likelie to be a meruelouſe greate ſtaie and impedimēte to her greate affaires. Amōge other things the teſtimonie ād cōfeſſiō ofdiuers gwyltie (as they be reported) & executed in Scotlād for the ſaide offēce

*Cicero pro milo.*

*The notable ſaiēge of. Caſſi⁹, cui bono?*

wich

which they opēlie made at the time of theire deathe, dothe tende muche to the aduancinge and approbation of her innocencie. Theys men yet paraduēture will replie and ſaye, that theys are but ſlender preſumptiōs And yet were yt ſo, that they were of force ſufficiente, they muſt yelde to an approued trewthe. It remainethe nowthen that We cōſider howve ſuer and ſubſtanciall theire prouf yſ. Concerninge therefore the firſt pte, We will not al to gether denie, but that she Was ſomewhate eſtrāged from him, ād therefore they might haue ſpared a greate ſorte of theire neadeleſſe ād friuolouſe arguments, and yet flatt and plaine lies Withall to proue the ſame. But fie vpon the crueltie of theis accuſers, Who vvere the verie authours them ſelues. And them ſelues the onlie Workers and bringers to paſſe of all this diſcorde: trayninge this ſelie yonge gentleman by theire gwylefull and vvilie circumuentions Wretchedlie to conſpire Withe them againſt his owne deare Wife, and dreade Souereigne, to the moſte cruell and deteſtable ſlawghter of her truſtie Secretorie Dauid, and to the impriſonmente of the roiall perſon of the verie Quene her ſelf. Theis and manie other like prancks

*The Queenes enne-mies laye to her diſcorde wi-th the lor-de Darley wherof they were the au-thours.*

and

and practiſes,as the reuocation of you the Erle Murraie,and of other traitours of your allie and affinitie, vvith ovvte the Quenes knowledge by the lorde darley,his yowthfull, rashe and temeratiouſe deuice, to departe the reaulme, vvithe manie other like practiſes,purpoſes and attẽpts,for his princelie parſon verye vnmete,and farre vnſeamelie,ye craftelie ſuppreſſe, and ſpeake no vvorde off, for feare off burnynge your ovvne clothes.I ſaye therefore fie,ād dovvble fie vpō the impudẽcie of theis traiteurs. Novve to laye to the Quenes charge, and reprochfullie to obiecte to her changinge of her minde tovvarde her huſbande,vvich roſe ād begane vppon cauſes, for the vvich they had bene longe earſt tryſed vppe, yff they had not fortuned vppō, ād mett vvith ſo gratiouſe a maiſtreſſe: As I kuovve, and they thovvghe vndeſeruinge yt do vvell feale, that the vvhole vvorlde hathe verie fevve her like. And yet all this your pretẽſed alienation of her accuſtomed faueur from hym,not vvith ſtādinge her verie motherlie care: (for beſids all other reſpects, thovvghe they were not farre differente in yeares, she vvas to him not onlie a loyall Prince,a louinge ād deare vvyfe,but a moſt

care-

carefull and tendre mother vvith all,) vvas neuer a deale leſſed or miniſshed: Albe yt for a time she did diſſemble and forebeare ovvtevvardelie to shevve and vtter, her invvarde harte and affectionate loue, vpon moſte iuſte and good reſpects: As the manner and practiſe of prouidente and moſte louinge parents oftentimes ys, tovvarde theire deare children, for the better reclaiminge of the vvanderinge minde, and vvaueringe vvill of the yovvthfull vnaduiſed gentleman. And therfore hearinge and advertiſſed, that he vvas repentante and forovvfull, and that he deſired her preſence, she vvithoute delaie, thereby to renevve, quicken and refreshe his ſprites, ād to comforte his harte, to the amendement and reparinge of his healthe lateli by ſicknes ſore impaired, haſted vvith ſuche ſpeade, as she conuenientlie might to ſee and viſit him at lye reconolaſco. Where, as alſo at diuers other places, especiallie at Edenborovvghe, she frō time to time moſt louingelie entertayned, and to the verie laſte hovvre, that euer ſhe ſavve him. Whereby yt did to all men moſte euidentlye appere, that all manner of diſpleaſure or variāce, vvhatſoeuer your conie&urall

*The Quene vvas ſul- ſiled to the l. Darley before his deathe.*

rall ſurmiſes ſuppoſe, to haue bene betvvene them: or your ſeditiouſe practiſes and ambitiouſe procedings had ſovven in theire ſtomaks and mindes, vvas not onelie novve vvell alvvaged and fullie appeaſed, but vtterlie for euer quenched, as beinge altogether forgotten, and troden (to your muche miſlikinge, and greate diſcomforte) vnder foote of them bothe, neuer to be renevved againe. But for as muche as theys men do vvell perceaue, that yᵗ this be treve, (which ys in deade ſo certaïelie trevve, that they them ſelues are for the manifeſt euidence therof, eauen driuen and forced to acknovvledge and confeſſe the ſame) Then theire greate Samſons poſt of diſcorde and debate, vvhere vvithe they vvolde vnderproppe and vpholde all theire traiterouſe procedings, as alſo this theire miſchiouſe accuſation, and greauouſe crimination, the vvhiche they had fullie novve conceaued, and brovvght as they hoped to perfection, by the miſcheuouſe drifts of theire shrevvde vvilie develishe diſpoſed braines againſt her, vvolde faile then, & fall to the grovnde. For this conſideration I ſaie they novve meaſuringe theis moſte commendable doings of the verie vertuouſe and vvell meaninge

ninge Quene, by theire ovvne deape and doble diſſemblinge craftie nature, theire former drifte failinge them, begane to laie a nevve fondation to builde theire longue conceaued treaſons on: And ſaie, that all this curteſie, fauour loue and amitie, vvas but a ſett matter on her parte, and colorable shéwe, and a diſſembled drifte and fained pretence, by her colorablie conuaied, vpon none other purpoſe, but to flatter and entice him to Edemborovve to his bane, vvhiche ſaie they appearethe bi her ovvne lettres. It irkethe and greauethe them to the verie harte to heare of the reconciliation, And therefore thei toile and tumble from one kinde of lienge rethoricke to an other, eauen quite contrarie. For as before thei fovvnde greate faulte vvithe her for eſtranginge her fauour from him: ſo novve at the laſte thei miſlike at her greate trauaile taken in her progreſſe to viſitt and conforte him, iudginge and reputinge all her devvtifull kindenes as hypocriticall and counterfeated diſſimulation. Wherein bi theire maliciouſe cõſtruinge and vvronge interpretation of vvell and comendable doinge, thei repreſente the naturall diſpoſitiõ & frovarde inclinatiõ of the deuell: vvho

hathe

hathe that name, for that he ys vvillingelie,
*Διάβολος* and of purpoſe, a maliciouſe falſe reporter
and a ſlanderouſe accuſer. As for the lettres
they take holde on ād ſlaunder her for, vve
ſhall hereafter examine them vvhatvveight
they beare. Well then yf there vvere ſuche
a reconciliation made betvvene them, as I
haue ſaide to be, as there ys litle or no cauſe
at all, vvhy any mā ſhulde thincke, that the
Quene vvas priuie or vvare, of the meanes
of his deathe, ſo maie yt ſeame but meare
ſuperfluouſe, for vs either to reherſe, vvhat
ſurmiſed difference vvere betvvene them,
or to confute the falſitie of all ſuche allega-
tions namelie ſeinge that in ſome therof,
*The aduer-* they charge the moſte innocente Quene,
*ſares charge the Quene* vvithe theire ovvne moſte levvde, navvgh-
tie, ād vvycked deuiſes and deteſtable pra-
*ne vvithe their ovvne vvycked deuiſes.* ctiſes. As for an exāple & prouf therof, the
Erle Murraye and his counſaile pceauinge
that for a time, the Quene ſeamed not vvell
to like of her huſbands doings (albe it vvhat
ſoeuer her ſayd miſlikynge vvere, yt vvas,
as ys afore ſaide, for the loue off him in re-
ſpecte of his ovvne prouſit and cōmoditie)
beinge verie deſierouſe to bringe home a-
gaine their cōfederated mate, the Erle Mor-
ton vvho then vvas in banishmente, and re-
mained

mained in Englande for the ſlavvghter of Dauid her Secretarie (with oute whoſe prę-ſence and prę-ſent aduice, theire fetchinge practizes were halfe maimed, & lacked force to take effecte) Were earneſte ſutors that yf she wolde pardon him, they wolde procure a diuorſe betwene them, wherto she vvolde not agree. But vvhat haue theis good men novve done, thincke ye, in this parte? Suerlie they haue plaied the ſaide pageante vvithe this innocente Suſan, as the tvvo vvicked Iudges did playe vvithe the other former Suſan. They laye harde to her charge theire ovvne navvghtie and vvycked counſell and deuiſe. Yt vvere therefore but a vaine, and loſte labour for vs, to ſtaye and tarrie longe vppon the confutation of theire ovvne craftie maliciouſe inuentions and procedings, in procuringe an alienation of the Quenes minde from her deare and vvelbeloued huſbande, or vpon anie other alienation vvhat ſoeuer, yt ſo beinge that they them ſelues can not denie, but that there follovved a good pacification and reconciliation betvvene them. We vvill conſequentlie therefore conſider the ſeconde principall pointe of our diſcourſe. For theie

*The Quene moued by thē to make a diuorſe vvithe the L. Darley.*

*The accuſatiō towchinge letres ſēt by her to the Erle Bothvvell.*

theie ſaie that thei haue a ſufficiente prouf, to iuſtifie the chefeſt parte of theire accuſation. A proper iuſtification perdie: this ys theire iolie vvitneſſe, this ys theire ſingulier Ievhell, vvhereby they ſett muche ſtore, the valevve vvherof in theire eyes ſight, they repute and accompte as of an ineſtimable treaſure. This moſte neceſſarie vvitnes they haue alvvayes attendante at hãde, and redie at a becke to ſerue theire turne at a pinche vvhen nede requirethe, for all theyr purpoſes and Attempts. Yf ye dovvte of the veritie of any parte of theyre accuſations, this vvitnes thovvghe yt neuer ſavve nor hearde of any ſuche thinge, vvill full faire bleate yt ovvte, and make all things accordinge to theire minde, as cleare as criſtall, or as the bright ſhininge ſonne. So that yf this vvitnes ons failethe them, then all theire accuſation failethe them therevvith, and by and by quailethe. And ſovvthlie this vvitnes (yet all this not vvith ſtandinge) vvhat elſe ys yt, but a blinde, a deaff, and a dome teſtimonie, of certaine obſcure lettres vvritten and endited (as they moſte falſelie, and as vainlie

lie avovvche, and vvere neuer hetherto able to proue) by the Quene to the Erle Bothevvell. It ys forſovvthe a boxe off lettres taken from one Dovvgleiſshe vvho vvas executed for the lorde Darleyes deathe, the Erles man forſovvthe, vvhiche lettres he receaued at Edenborovvghe of one Syr Iames Ballfoure, to conuey to his maiſter: thus ſaie theye. But vve ſaie to you, as ys ſayde in Terence. *Non ſunt hæc ſatis diuiſa temporibus*. The verie time, yf nothinge elſe vvere, bevvraiethe you, and your vvhole cauſe vvith all. Is yt to be thovvght, that either the Erle vvolde ſende to the ſayde Syr Iames, vvho had before aſſiſted the faction againſt the Quene vvith the force and ſtrengthe of Edenborovvghe caſtle, And driuen from thence the verie Erle him ſelf, or that the ſaide Syr Iames vvolde ſende anie ſuche thinge to the Erle? Is yt likelie? Ys yt credible? Had the forgers and inuentours of this tale by ſeamelie conueyance parted and deuided the diſtinction of his times? Hovve ſaie you? Where as novve yt ys in no caſe to be ſuppoſed or coniectured, that ſuche a vviſe vertuouſe ladie vvolde ſende

*The vnlikelie tale of the Erle Bothwells lettres ſurmyſed to be ſent to maſter Ballfoure.*

anye ſuche lettres. Yet puttīge the caſe that ſhe had ſent them, yt ys not to be thowght, that either the receavour therof, or that ſhe her ſelf, whom ye cōceaue to haue ſente them, wolde haue ſuffered them, for the haſardinge of her eſtimation and honour to remayne vndefaced: namelie ſeinge there was a ſpeciall mention made, and vvarninge geven forthvvithe to burne them, and make thē awaye. Neuer theleſſe, when you haue taken your beſte aduantage you can of them, ſuche kinde of lettres miſſiue and epiſtles, eſpeciallie not conteininge any expreſſe commādemente of anye vnlavvfull acte or deede to be comitted and perpetrated, not ratifienge or ſpecifienge the accompliſhemēte of anie ſuche facte alredye paſte, but by vnſure and vncertaine gheſſes aymes, and coniecturall ſuppoſings, are not able in aniewiſe to make a lavvfull preſumptiō: muche leſſe anie good & ſubſtanſtiall prouf not onlie agaynſt your Sovereigne and Prince, but not ſo muche as againſt the poreſt vvoman or ſymplieſt vvretched crature in all Scotlande. Suerlie the civill lawe Willeth, that in criminall matters (for ſuche are theis) the accuſers alledge and bringe fourth nothinge but that they maye be

*In caſe the ſurmiſed letres vvere ſente by the Quene they can make no good prouf againſt her.*

1537693



be able to approve and iuſtifie, by the teſtimonye of good and lawfull vvytneſſes, or by ſome other moſt manifeſt, cleare and euident prouf or preſumptions. *l Fin. C. probat.* *Sciant cuncti accuſatores eam ſe rem deferre in publicam notionem debere, quæ munita ſit idoneis teſtibus, vel inſtructa apertiſſimis documentis, vel indicijs ad probationem indubitatis & luce clarioribus expedita.* This rule owght to be obſerued and kept, in the ſimpliſt and ſelieſt poore mans cauſe that is. And thincke you nowe, you moſt vngrate and vnthãkefull ſubiects, that ye maye lawfullie take armes againſt your maiſtreſſe & moſt benigne Quene, that ye maye caſt her into vile priſon, and ſpoile her of her crovvne? And vvhiche ys more, of her good ãd honorable name, fame, and eſtimation? And then bleare mẽs eyes, and face the vvorlde owte with the ſhewe of theis lettres, as yt were with a carde of tenne? But yet ſaye you they are her lettres: ſhe denieth them, and we denie them to. There ys neither ſubſcriptiõ of the writer, nor ſupſcriptiõ vnto vvhome they were directed, they are neither ſealed nor ſigned: there appeare the neither date wherein they were dated, neither daye nor monethe. There ys no mẽtion made of the

*vvhat exquiſite prouſes be required in criminall cauſes*

*Theys ſurmiſed lettres neither haue ſuperſcription of the vvriter, nor ſubſcription, neyther anye date, neither ſigned nor ſealed & the berer neuer knovven.*

berer, Who is as yt maye be ſuppoſed, for any name he beareth, the man in the mone: He Was never yet knovven, nor hearde of that did either receave, or deliuer them. For as for hym that ye ſurmiſe Was the bearer of them, and Whome you have executed of late for the ſaide murther, he at the time of hys ſaide execution toke yt vpon hys deathe, as he ſhoulde anſvvere before god, that he never caried any ſuche lettre, nor that the Quene vvas participate, or of counſaile in the cauſe. Thincke ye that vvile & experte men are ignorante, hovve perelouſe and dangerouſe a matter yt ys, to faſte any good prouf vpon collation of lettres, and hovve eaſie yt ys to ſome men to imitate & counterfaite any character? the which a knight late diſſeaſed in Englande, coulde ſo livelie and ſubtilie doe, that he Who vvrote moſt crabbedlie & vnſeageablie coulde hardelie diſcerne hys ovvne hande Writinge from the knights comterfeitinge hāde. But Who cōferred theis lres I praie your vvith your Quenes ovvne hande writinge? Dare you to Warrante them in this ſo perilouſe and weightie a cauſe, to haue bene ſo exquiſitelie and ſo exactelie vewed & cōferred vith all ſuche devve circunſtances as the ciuill

*He that vvas the ſurmiſed bearer, at his deathe denied the ſame.*

*Marke ye thinge to cōterfeite a mās hād*

lavve

lavve dothe require, vvere yt but a ciuill or a money matter? You vvill paraduenture anſvvere, that there vvas devve collation by you made. O perfecte and vvorthie collation? O mete and apte men for ſuche a purpoſe? As thovvghe yt ys not notoriouſelie knovvẽ throvvghe ovvte the Worlde, that ye are her moſt mortall enemies, as thovvghe theis counterfeite lettres vvere not the vnderpropped poſtes and vpholders of your whole treacherie and vſurped kyngdome? As thovvghe that manie in Scotlãde coulde not expreſſe and reſemble, ãd counterfeite in theire vvritinge, the Quenes verie character? And as thovvghe there vvere not amongeſt your ſelves, ſome ſinguler artificer in this handicrafte, and that hathe ſente lettres alſo in her verie name alvvell into Englande, as to other places beſides, vvithovvte either her commaundemente or knovvledge? Hovve cã I choſe thẽ but ſaie, that this deade ys your ſhamefull handicraft, & not her hande vvritinge. Yea ſuerlye, all this ys your ovvne fained forginge, moſt vile counterfeitinge. Yf you be ãgrie vvithe me for thus ſaiẽge by you, I hope you vvyll be ſone colde againe, ſeinge that I vvill not bringe ovvte anye deade vvitneſſes as ye

*Theis lettres vvere fained & cõtriued by the Quenes aduerſaries.*

craftelie do contrarie to reaſon and lavve. *Quia teſtibus non teſtimonijs credendum eſt.* Nor ſuche like, but good, ſufficiente and lavvfull vviteſſnes, ſuche as ye can not by anie iuſt exception or tergiuerſation, auoide or elude. And thoſe are none other, but eauen your ſelues. For either you muſte bringe forthe good and apparente vvitneſſes to proue yt her hande, or ſome ſuche as Were priuie to the meaninge of the ſame lettres, wiche ye neither yet haue done, nor are likelie ever to doe, or ye muſte graunte that you Were priuie to them your ſelues Withe the Quene, or at leaſte Withe the ſaide Erle, Whom ye ſurmiſe to haue receaued theis lettres, or that all this ys by you maliciouſelie driuen and concluded. Yf ye graunte vs, that ye vvere priuie of the ſaide lettres, vve truſt then you vvill be good to the Qnene, ād yf yt were but for your owne honeſties ſake. Yf ye denie that, and vvith all that you Were the cōtriuers therof your ſelues, We praye you to tell vs and blushe not, hovve you coulde ſo redelie and ſo directelie hitt the interpretation of theis Words (our affaires) and What theis vvords ſhoulde meane, there beinge ſo manie affaires as you pretende in theis your fained falſe

falſe lettres betvvene the Quene and the Erle. That onlie thinge, that by theis words ye ſurmiſe, pretende and coniecture, I ſuppoſe that yf you vvere vvell examined of this pointe vpon the ſodaine, and vvere vrged and vehementlie preſſed by anie indifferente and vpright iudge, you vvolde be ſomevvhat to ſeake: And yet take at your leaſure as good aduiſemente, and as longe conſultation vvithe your ſelues as ye can, and maie thincke mete: And ſeake as manie fine fetches as ye liſte, ye neuer shall shifte yt of, vvith honeſtie, nor vvell tydd your hands therof. Wherof I for my parte do take my ſelf full aſſuered, and therefore do thincke it a neadeleſſe diſcourſe for me to make any farther deſcante vppon ſuche an vnpleaſãte, iarringe, and vntunable plaine ſonge of your owne ſettinge ãd makinge: And am right vvell contented that ye do make as gaie gloſinge cõmẽts ãd interpretations as ye liſte, and as your couninge ãd skil will ſerve you, to this your owne shamefull vntrewe texts. But nowe weighe and conſider vvithe your ſelues I hartelie praye you, and ſee vvhether that all your legerdemaine and cloſe cõueiances in your falſe playe, aſwell towchinge and concerninge

ninge your fitt Iuglinge boxe, as all your other like trickes and cuninge illuſions, be not fullie eſpied and plainelie and openlie Inovvghe layed ovvte to eache mans eie to beholde and vewe. And as tovvchinge your ſaide Iuglinge boxe, you haue bene verie fovvlie ād meruelouſely ouerſeē in the clo-ſe and cleane conueiance of your fingers. For that a man more then half blinde, maie perfectelie ſee and perceaue your fovvle plaie, for as muche as the verie ſelf ſaide dovvgleishe, vvhom amonge other ye haue executed and ridd ovvte of the vvaye, hathe ſaide and ſufficiētlie declared, for the Que-nes innocencie. Naye, Naye parhapps you vvill ſaye, althovvghe our lettres, al-thovvghe our deadd Witneſſes, and althovv-ghe our other matters faile vs, yet vve hope that the litle fainte mourninge she made for his deathe, the acquitall of the Erle, and her pretēſed mariage vvithe him vvill, helpe your cauſe, and geue teſtimonie againſt her. And vvhy ſo I praie you? Was not his bodie enbalmed, inſeared, and enterred beſide the Quenes father, the late kynge Iames, accompaned vvithe Iuſtice clerke, the lorde of Traquare, and vvithe diuers other gentlemen? The ceremonies in deade

vvere

vvere the fevver bicauſe that the greatteſte parte of the counſaile vvere proteſtants, and had before enterred theire ovvne parents, vvithoute accuſtomed ſolemnities of ceremonies: Neither ys there anie ſuche order or cuſtome, as ye pretende and make your reckeninge of, for the reſeruation of the corps fortie dayes, nor anie ſuche obſeruation vvas kepte and vſed, abovvte the corps of the verie father of the Prince, neither yet vvas there anie ſuche order taken or appoīted by the counſaile for the enterringe of the ſaide lorde Darley his bodie in ſuche ſorte as ye notefie, but eūe directlie to the cōtrarie. Yea ye are as litle able to proue, that there hathe bene anie ſuche cuſtomarie ſolēnitie obſerued, of ſo ſtraight ād ſtrange a mourninge, as ye moſt ſeuerelie vvolde reſtraine and binde the Quene vnto, as ye be able to proue the reſidevve of the premiſſes. But in caſe ye coulde vvell iuſtifie ſome ſuch vſuall order, yet ſhall ye neuer be able to shevve, that yt dothe extende ād apparteine to ſuche kinde of Quenes, as she ys. For they mourne theire huſbands vvho were kings, her grace mournethe after an other ſorte: ſhe a prince, her huſbāde a priuate man and her ſubiecte. They, asvvomē moſt commonlie do take theire honour ād cheif di-ni-

*One anſvvere to the aduerſaries obiections, that the Quene did not mourne the deathe of the lorde Darley.*

dignitie of theyre huſbands. Her huſbands encreaſe of aduãcemente came by hys matchinge with her. And further womẽ by the civill lavve, are in diuers caſes diſcharged & excuſed for theire omittinge therof, and for bearinge theire ſo doinge. And yet did this good gentle ladie bemone, even ſuche a notable time, enioinge and vſinge none other then candle light, as was knovven to all the nobilitie of Scotlande, and alſo to one maiſter Henrye killigraue, Who Was ſente thither by the Quene of Englande to her comforte, accordinge to the vſe and manner of Princes. Who had a longer time in this lamentinge vviſe continevved, had ſhe not bene moſt erneſtlie dehorted from her longer prolonginge therof, by the vehemente exhortations & perſvvaſions of her counſaile, who vvere moued therto by her phiſitians informations: declaringe to them the greate and iminente dangers of her healthe & lyfe, yf ſhe did not in all ſpeed breake vp and leaue that kinde of cloſe & ſolitarie life, and repaire to ſome good opẽ and holſome aire, vvhich ſhe did beinge this aduiſed and erneſtlie therto ſolicited, by her ſaide counſaile. All Whiche yet notvvith ſtãdinge this her facte, ys vvithe theis moſt ſevere

*l Liberorũ §. de his qui mutãtur inf.*

vere and graue Cenſeurs taken for and reputed as the verye next ſinne of all, to the moſt greauouſe ſinne againſt the holie ghoſte. But ô good pitifull men who for the verie tender love, and ſinguler affectiō which, you dit euer beare to the lorde Darley (the Whiche trevvlie Was ſo vehement that for your excedīge hott & feruēte loue tovvards hym, ye ever ſovvght hys harts bloudd) do nowe ſō pittifullie bevvaile hym. But yf ſhe had by reaſon of the cloſenes of the aire, & ſomewhat longer cōtinewāce in her mourninge place, and in her dumpiſhe deſolate and dolefull eſtate, accelerated her ovvne deathe vvithall, then had ſhe by the Erle Murraies, and his adherents ghoſtlie Iudgements mourned like a good honeſt wif, and to theire beſt contentation: Yt beinge the right vvaye and redieſt meanes to haue conueied and browght the ſaide Erle to that place, Wher unto he ſo longe and ſo gredelie aſpired to, and the vviche novve at the lengthe he hathe atchiued and attained vnto. As for the reſidevve of theire ſaiengs, yf there be anie faut in the Quene, yt ſuerlie falleth̄e doble and treble vpon theis Achitophells. And the good innocente ladie,

ladie, Who hathe bene ſo vvretchedlie and ſo vnvvorthelie by them abuſed, and circumuented, ys more to be pitied, then to be blamed. The Erle Bothvvel was acquited by his peeres, accordinge to the comon and ordinarie trade and maniere in ſuche caſes vſuallie obſerued. Theis vnnaturall and diſloiall ſubiects, theis moſt shamefull craftie colluders her aduerſaries and accuſers, I meane the Erle Morton, the lorde Simple, the lorde Lindzaye, vvithe theire adherents and affinitie eſpeciall, procured, and vvithe all diligence labored his purgation and acquitall, wiche was afterwarde confirmed by the three eſtates by acte of parliament. Theis, theis I ſaie, wherof ſome are nowe the vehement and hott fault finders, and moſte earneſte reprouers and blamers of the ſaide pretended mariage, were then the principall inuentours, practizers, perſwaders, and compaſſers of the ſame. They procured a greate parte of the nobilitie, to ſolicite the Quene to cowple her ſelfe ī mariage withe the ſaide Erle, as with a man moſt fitt, apte, and mete for her preſente eſtate and caſe. Firſte alleadginge the dāgerouſe worlde, ād ofte inculcatinge into her minde and remembrance, the preſente peril-

*The conſideration*

louſe time and dealings of men, wiche the better to preuent, and more ſuerlie to with ſtande, by theire counſaile and ꝓwadings enduced her, and by other theire craftie doings, as yt were, enforced ād conſtrained her to ꝯake a huſbande, to be her comforter, her aſſiſteur, her buckeler, ād her ſhilde, to defende her againſte all her whatſoeuer aduerſaries and aduerſaries. Yf ſhe woulde be contented ſo to do, they promiſed him ſeruice, and to the Quene loyall obedience. Yea manie of them bownd them ſelues to the ſaide Erle, by theire owne hande writinge, to aſſiſte, mainteine, and defende him againſt all men, that wolde then after challēge or purſewe him, as gwiltie of the ſaide crime. The wiche theire doings, the Quene conſideringe and fearinge dangers īminēt, and withall callinge to minde the ſondrie and diuers vprores and ſeditions, alredie made againſt her, the wretched and moſt cruell murther of her Secretorie in her owne preſence, the late ſtrange and miſerable murther of her huſbande, the diſtreſſe, the diſcomforte, and deſolation wherein ſhe was preſentlie bewrapped, the Erles actiuitie in martiall feates, and the good ād faithfull ſeruice done by him to her mo-

*mouinge, or rather forcīge the Q. to thys pretenſed mariage.*

ther, and to her ſelf fearinge ſome newe
ād freshe ſturre ād calamitie, yf she shoulde
refuſe her nobilities requeſtes ( thowghe
verie circumſpecte and naturallie prudente
in all her other doings ) yet neuer theleſſe a
woman, ād eſpeciallie neuer to that howre,
ons admoniſshed either openlie or priuate-
lie after the Erles acquitall, that he was
gwiltie of the ſaide facte, nor ſuſpectinge
any thinge therof, yeldeg to that, to the
wiche theis craftie colludinge ſeditiouſe
heads, and the verie neceſſitie of the time,
(as yt then to her ſeamed ) did in a manner
enforce her. Lett them nowe laye on lode,
lett them nowe rage and raue againſt this
acquitall and mariage : Lett them lie, to
theire owne ſhame, vpō theire owne deui-
ſes, and doings, thereby to defame theire
Quene. Lett them lie that the Erle of Hunt-
ley was reſtored to his fathers patrimonie,
to procure his ſiſters cōſente to the deuor-
ſe betwene the Erle and her, whiche reſtitu-
tion was made, but not for that conſidera-
tion, but bicauſe the Quene thovvght in
her cōſcience, his father vvrongfullie con-
demned. Lett them crie owte vpon the Erle
Bothvvell for that the ſentence of diuorſe
vvas promulged partelie by force, partelie
vvith-

withoute the iuſte and vſuall order of the lavve, and vvithoute ſufficiente prouf. Lett them crie ovvte vppon him for his violente takinge and deteminge the Quene. Yet yf they cannot preciſelie proue the Quenes cõſente to anie of his vnlawfull acts, as they ſhall neuer do: then can they not gett or gather any iuſte occaſiõ (whiche ys the thinge they onlie ſeake for) to ſuſpecte the Quene of this greauous acte. On the other ſide yt ys vvell knovven and eaſelie to be proued, that this faction, did chefelie procure, as we haue ſayde, aſvvell the acquitall, as the ſuppoſed mariage, ād therefore by likelihodd was priuie of all other conſequente deuiſes and practiſes. Wherefore they do nothinge but blovve ovvte, and blaſe to the vvorlde, Withe theire owne fovvle filthie mowthes, theire owne ſhame. And do fare like a man, that dothe thruſte a ſvvorde throvvghe bothe his ovvne ſides, to pricke a litle, and raiſe but the ovvtevvarde skynne onelye of his enemy. Ye maye novve vvell parceaue (gentle reader) that hitherto they haue produced litle matter of creditt againſt theire Quene, and yet as yt appearethe, verrie good matter againſt them ſelues, and for theire ovvne diſcreditt. Novve

maye ye therefore eaſelie coniecture, and by theis theire cheif and principall matters and grovvnds, eaſelie perceaue, vvhat accompte ys to be made of all the reſidevve of theire levvde ſlaunders, and vvhat ſmall force and ſtrenghe, all theire vvhole fayengs do beare. They ſee yt, they ſee yt vvelinovvghe them ſelues, good reader, vvherby they vvell perceaue, and fullye vnderſtande, that they altogether are vnable to beare ovvte and mainteine by reaſon, luſtice, or lavve, theis theire ovvtragiouſe and ſeditiouſe procedings. And therefore they ſett vpon them the beſt colour and countenance they can. Where in you ſhall novve heare, what they did alleadge beinge in Englande for them ſelues. They ſaye that no man can charge them, or the reſidevve of theire nobilité, that they haue gone as much as one onlie ſteppe, frō the office and dewtie of good ſubiects, ī takīge armes againſt the owtragiouſe enormities alredie cōmitted, ād to preuēte the greate dangers imminente to the pſons of theire Quene, ād her deare ſonne, to theire nobilitie, and to the vvhole ſtate of theire vvealle publike. And that yt was no ſmall harts grefe to them, to heare vvhat vilainie all natiōs thowght and

*The aduerſaries declaration before the Quene of Englands commiſsioners.*

open-

openlie ſpeake of them, for ſufferinge ſuch a tragicall matter to eſcape vnpuniſshed, vvhiche thinge engendrethe of vs (ſaie they) amonge ſtrangers, ād all forren nations an yll and ſiniſter opinion of ſome cōmen cōſente therto made by our vvhol nobylitié. Yea tō ſee alſo the verie executor therof hym ſelf, by violēte force, to teake, deteine, and kepe his & theire Souereigne, ād withe marienge vvith her to diſtaine her honour. Wherefore to ſett her maieſtie at fredome owte of his bōdage, to preſerue her honour, and the pſon of her ſonne, and by dewe puniſshemēt of ſuch a malefactour, to recouer theire good name and eſtimation, vvith the reſte and quietnes of theire cuntreye: When they had but in vaine attempted aſwel all other meanes, as by the offeringe to the Erle ſingulier battaile, they were driuē to gather force, to reſiſt them, Who came to the felde againſt them withe a ſtronge armie: But he refuſinge either to wage ſingulier battaile, Whiche vvas then offered to him, or to ioyne in battaile vvith theire campe, eſcaped by flight. The Quene in the meane vvhile rendred her ſelf into the nobilities hands there aſſembled, and by them vvas conuayed to Edenborovvghe: But

afterwarde they Were of verye neceſſitie compelled to ſequeſter her, vntill ſuche time, as ſome remedie might be fownde for theis matters, into Lochleven, where ſhe hauinge nowe adviſed withe her ſelf, and fullie perceaved her ovvne diſabilitie to ſuſtaine the weight of ſo greate a rome, freelie & voluntarelie by theire ſainge, gaue ouer the crowne to her ſonne: appointinge the Erle Murraie, beinge at that time owte of the realme, to be regente therof, duringe her ſonnes minoritie. The Erle Bothwell not longe after, beinge by them purſued fledd the realme, to eſcape theire hands. Now this ſaid reſignatiō, by the Quene ons made to her ſonne, he was forthvvithe by them ſolemlie crowned, and he as kinge, the Erle Murraie as regent obeied, and the ſtate of bothe theis regimēts, was by acte of parliamente eſtabliſhed. Wher vpon quietnes begane to encreaſe, and iuſtice more ād more dailie to take place. Whiche yet ſome pſons (ſaie they) muche enuienge at, to the dyſturbance of the ſame, and of the kinge hys authoritie, firſt practiſed, cōtrarie to the ſaide theire Acte of parlement, the Quenes deliurance oute of Lochleven, and then ſhewed them ſelues in armes. But as theire attēpte,

ſaie

ſaie theye, was vnlawfull, ſo the victorie fell againſt them, on owrs the righteouſe ſide, Whereby god hym ſelf ſeamethe to haue geuen ſentẽce for the equitie of our whole cauſe againſt our aduerſaries. Theis are the principall allegations, theis good men haue propoſed, for the iuſtification of theire procedings againſt the Quene, before the moſt excellẽt and mightie Princeſſe Elizabethe Quene of Englande. Finallie, they ſaie that the moſte parte of them ſelues, are for particuler benefitts priuatelie ſo muche beholdinge to theire ſaide Quene, that a nombet of thẽ coulde be contented, and vvell willinge, yf they might prẽſerue Scotlande in the ſtate of a kingedome, preſeruinge alſo the profeſſion of trewe religion, withe the kings perſon, & the whole ſtate from danger, to liue Willinglie in perpetuall exile & baniſhemente. God be thancked, that after that theis ſeditiouſe & trayterouſe ſubiects, haue bene ſo ſtovvte and ſtorminge in the reconinge vpp and accumulatinge of faults & offenſes, of theire innocẽte maiſtreſſe & Quene, they are yet at the lengthe forced to anſwere for them ſelues, and for theire exceſſiue outragiouſe rebelliouſe doings: Theire gaie glorioufe glitteringe excuſes,

maye phapps at the firſte ſhewe, ſeame to ſome of the Readers, to have a iolie face of muche probabilité, greate trewthe, and feruente zeale to the Weale publike. But maie yt pleaſe them advyſedlie and deapelie to ponder and Weyghe, aſwell what we have ſaide, as what vve further ſhall ſaie, in ſupplemente of full anſwere, and then to iudge and deme of the matter, none otherwiſe then reaſon, equitie, & lawe do craue. They ſhall at lengthe finde owte, and throwghlie perceaue and knowe, theis mens dealings and doings, Who as yet cover theire fovvle filthie lienge, deteſtable practizes, and traiterouſe enormities, withe ſuche a viſarde of counterfeite falſe fained holines, and ſuche excedinge greate ſhewe of zeale to the Quenes honour, in puniſhinge off malefactours, and to the preſeruatiō of the ſtate of the realme, as thowghe all the worlde vvolde fall, and goe to rewen, yf yt were not vpholden & vnderpropped by the ſtrégthe of theire ſhowlders. Theie ſhall ſee howve they will appere in theire owne naturall likenes, ſo ovvgelie, that all good harts vvill vtterlie deteſt them, and thincke them moſt vvorthie for example ſake, to all the Worlde hereafter, of extreme puniſhemēte.

We

We affirme then firſt that as they have produced nothinge in the vvorlde tovvchinge the principall points: As of the lorde Darleies deathe, the acquitall of the Erle Bothvvell, and the Quenes mariage vvith him, iuſtlie to charge her vvithall: So are theie them ſelues, aſvvell for the ſaide acquitall and mariage, as for theire damnable and rebellyouſe attempts againſt theire Sovereigne, and for manie other enormous crimes, ſo farre and ſo deapelie charged, ſo fovvlie ſtained, and ſo ſhamefullie marked and noted, that never ſhall they Withe all theire hypocriticall fine fetches, be able to rubbe ovvte the dirtye blotts therof from theire ſkirts. Whiche thinge vvilbe eaſelie perceaved of them, that vvyll vouchesauf and aduiſedlie cõſider the fonde, friuolouſe and contradictorie excuſes, they make in theire ovvne defence. At the beginninge theire open ſurmiſed quarrell (vvherby they vvente abovvte to dravve the peoples harts to them ſelves, and to ſtrengthen theire ovvne faction) ſtode in three poynts, as appearethe by theire excuſes, and by theire pretenſed proclamations. The firſt vvas, to deliver the Quene from

*The cauſes that the Rebells p̃tended at the beginninge.*

the Erle Bothevvell vvho violentlie detei-
ned her, and to preuent daungers, imminét
to her parſon. The ſeconde to reuenge the
kings deathe vpon the ſaide Bothvvell,
vvhom they knevve (as they pretended) to
haue bene the principall doer inthe execu-
tion of the ſaide murther. The thirde Was,
to preſerue the yonge Prince, the Quenes
ſõne, This ys theite iolie and holie pretẽce.
Novv lett vs ſee hovve conformable theire
vvorthie procedings are, to theis theire co-
lorable cloked holie colluſions. The fyrſt
gentle and humble admonition that theis
good louinge ſubiects gaue her, to reforme
the ſurmiſed enormities, vvas in battell
arraye at Bortvvike caſtle, vvhiche they
thovvght vpõ the ſodaine to haue poſſeſſed
vvith the Quenes perſon: vvher vpon they
beinge diſapointed therof, gatt into the
tovvne and fortreſſe of Edenborowghe, by
the treaſõ of Balfoure the capitaine therof,
and of Cragmiler the prouoſte of the citie.
Wherbi they beinge the more animated to
followe and proſequute theire vvicked en-
terpriſe, begane nowe to be ſtronge in the
filde. The Quene hauing alſo a good ſtrõge
armie, and thinckinge her ſelf vvell able
therby to encounter vvithe the ennemie,

*An anſvvere to the firſt.*

and

and to repreſſe theire furiouſe outrage, yet not vvitheſtandinge, for the greate loue ād pittie ſhe toke of them (thovvghe rebelliouſe ſubiects) Wilinge as muche, as in her laye to kepe and preſerue theire bloudd from ſhedinge, offered them fayre of her owne ffree motion, that yf they wolde, peaceablie cōme to them, and take dewe and conuenient order for the redreſſe of all ſuche things, as might appere by lavve and reaſon mete to be reformed. Wher vpon the lorde Grange was ſente by the lords to her, Who in all theire names moſte hūblie vpō his knees, aſſured her of all dewe obedience, of ſecuritie, and ſauftie of bothe her life and honour: And ſo the good ladie (her conſcience beringe her vvitnes of all her iuſte and vpright dealings and therefore nothinge miſtruſtinge) diſmiſſinge her armie, yelded her ſelf to the lords, Who conueyed her to Edenborowghe, ād there ſett her at ſuche a meruelouſe libertie, and in ſuche ſecurité and ſafetie that all good men to the Worlds ende, Will vvonder at theire excedīge good loyaltie. Fyrſte kepinge her owne pallace, they ſett and placed her in a marchants howſe, and vſed her otherwiſe verie homelie. She nowe conſideringe, and

*The lorde Grange p-miſed vpō his knees obedience in all the rebells na-mes.*

per-

perceauinge, to vvhat ende theis matters tended, moſt pittifullie cried ovvte and called vpon them, to remember theire late promiſſe, or at the leaſte, that ſhe might be browght before the counſaile, offeringe to ſtande to the order and direction of the ſtates of the realme, but God knovvethe all in vaine. For novve had they the praye, vvheron they intended, to vvhett theire bloudie teathe, or they did diſmiſſe or forgoe her, as the euente dothe declare. Wherefore in the night priuelie ſhe vvas conuaied, and vvithe haſte in diſgvviſed apparrell, to the ſtronge forte of Lechleuen, and after a fevve dayes beinge ſtripped ovvte and ſpoiled of all her princelie attyremēte, vvas clothed vvith a courſe brovvne caſſocke. After this theis good loyall ſubiects, practiſinge ād encreaſinge more and more dailie the performance of theire ſaide promiſed obedience, neuer ceaſed vntill they had vſurped the full auctoritie and regiment of the vvhole. In to the vvhiche thovvghe they had entruded them ſelues, yet ſeinge as blinde as they vvere, by diſordinate, vnſeamlie and vnmeaſurable ambition, that the Quene remained and vvas ſtill Quene, and that there vvas no iuſte

*The Quene imprisoned at lochleuen.*

cauſe

cauſe by the ordinarie courſe of the lavve, or for anie her demerites & deſerts to brīge her forthe to her triall, that she might be conuicted ād depoſed, vvent like good honeſt plaine men, and vvell meaninge ſubiects, bluntlie to vvorke, and conſulted and determined to diſpatche and ridd her ovvte of her lif, vnleſſe she vvolde yelde to them ād ſubſcribe ſuche vvritings, as they vvolde ſende to her concerninge the demiſſion of her crovvne to her ſonne, and the regimente of the reaulme to the Erle Murraie. Wher vpon the Erle of Athole, Secretorie Ledingon withe other principall of theire factious bande, ſent Robert Miluen to Lechleuen to vvill her in anie caſe, yf she ſovvght the ſauuegarde of her life, to condiſcende to ſuch demandes and to ſett her hande toſuche vvritings as shoulde be propoſed and brovvght vnto her. Whiche as they ſaide to do, neuer coulde be preiudiciall to her, beinge by force and violence extorted. Syr Nicholas Throkmarton alſo beinge then ambaſſadour there for the Quene of England, gaue her the like aduice. Novve at the laſte co-methe the lorde Lindzaye, ſente in comiſſiō from theire counſaile, to preſente and offer

*The Quene threatned to be ridd of her vvaye, yf she vvolde not reuoce her crovvnne.*

offer vnto her, the writings: who moſt greuouſlie with*e* full fearefull words, & verie cruell & ſterne countenãce *th*reatened her, that vnleſſe ſhe Wolde *th*erto ſubſcribe, ſhe ſhoulde loſe her life. But call you this a free and voluntarie yeldinge ouer and reſignation of the crovvne? A voluntarie aſſignation of *th*e regimente to you the Erle Murraie? Yea ſuerlye, as free and voluntarie, as a man withe *hys* ovvne hands, caſte the into the ſea hys goods, in a maine and raginge tempeſte frelie and voluntarelie: ſavinge that paraduenture ye maye replie and ſaye that there ys ſo muche wyll in hym, that he had rather byde the aduẽture of hys goods & riches, then of hys verie life, beinge contented to redeme the ſaufegarde of *hys* life withe the loſſe of hys goods. And yet as voluntarie as ye make yt: Free and voluntarie ye ſ hall no more make yt, then ye *sh*albe able to prove, that the peoples good will was alienated from her, as ye ſurmiſe. For the procuringe werof, ye have by your craftie ſlaunderouſe leaſings and wretched practizes, done all the endevour, your maliciouſe and ſpitefull braines coulde inuente and ſearche oute. But ſuerlie your doings have bene ſo gratiouſe, that yf *sh*e had bene

ne ſo gratiouſe, that yf she had bene deadelie hated before, they might haue procured and gotten her a vvonderfull loue and fauour of the people againe. And vvhereas she vvas (eauen as she well deſerued) moſte entierlie and tenderlie beloued before, nowe ye haue by theis your ſo tragicall and tirannicall procedings, purchaſſed to her ſuche an augmentation and encraſe of the ſame (eſpeciallie vvhen that the people amonge vvhome for a vvhile, ſome ye haue throvvghe your colorable craftie conueyances, made to miſdeame, and haue ſomevvhat the vvorſe likynge of her, ſhall throvvghelie and perfectelie vnderſtande and knovve your ſaide vvilie policies, as more and more dailie they do) that she shall be muche beholdinge, but no God haue mercie to you therfore But novve to procede and goo forevvarde vvithe your louinge loyall procedings tovvards her, ye neuer ceaſed nor ſtayed, vntill ye had procured ād obteined a colorable parliamēte, vvherebie ye gott your vſurped and vnnaturall kingdome ratefied and confirmed: And not onlie all your vvicked practiſes, alredie paſte, but eauen vvhat miſchefe ſoeuer you vvolde, shouſde aftervvarde paſſe alſo,

alſo,againſt her quietnes and ſaufetie. And thus beholde theis hũble obediente, & lovinge ſubiects,have purchaſed ãd procured a commiſſion longe before hande,the like wherof,as I ſuppoſe,was never ī the vvorld harde of afore, in any vvhatſoeuer rude ſavage, ãd barbarouſe natiõ or contreye, to ſlaie,kyll,and murther theire ovvne Sovereigne Quene,& a moſte innocente Ladie, at theire ovvne vvills and pleaſure. The vvhiche theire ſaide commiſſion, they had in this vviſe executed longe ere this, as yt ys crediblie thovvght, yf God had not ἀπὸ μηχανῆς, as the proverbe ys, vvonderfullye eluded, and myraculouſelie fruſtrated thys theire miſchevouſe maliciouſe purpoſe and entente. And yet ys there one iniurie more, that dothe greaue more, and moleſte this good gvviltleſſe ladie,thẽ all theis foretolde naughtie partes played of them againſte her. And ſuerlie not vvithoute iuſte cauſe of greyf, for in deade yt farre paſſeithe and excedeithe them all. And that ys theire ſhamefull & moſt traiterouſe diffaminge her, beinge all together innocẽte therein,vvith the deathe of her huſbande, as thovvghe that ſhe had ſuborned the Erle Bothevvell therto,and revvarded hym therefore vvith the

the mariage of her ovvne bodie. Here perchaunce they vvill ſaye, Marye this ys our cheif quarrell in deede, this vvas the marke vve principallie ſhott at. The greate love and zeale vve beare to Iuſtice, and the earneſt deſire vve have to purge and ridd the realme of the ſlaunder and infamie, that ariſethe therto by this horible facte, movethe and ſtirrethe vs vpp to ſeake by all meanes vve can, the puniſshinge of the ſayde Erle, vvho vvas the comitter, and cheif perpetratour therof. Yf yt ſo be, ſuerlie there ys vppon the ſodaine comen vpon you a meruelouſe devotion. For Whie? Were not ye and your bande and adherents the cheif and principall authours, aſſiſters, favvters, ayders and abatours, for the clearinge and iuſtifienge of the ſaide Bothvvell accuſed and indighted, as gvviltie of the ſaide murther? What ys yt that makethe you novve ſo hott, that then vvere ſo coulde? Belike the vvorlde and vvether ys a nevve changed and altered of late. Yet tell vs vve praye you in good erneſte, vvas your principall ſcope & zeale, to apprehende the Erle Bothvvell?

*An anſvvere to the ſeconde.*

tell

*The Quenes ennemies dimiſſed the Erle Bothwell whē they might haue takē him.*

tell vs then a good cauſe whie you dimiſſed him, vvhē you might haue had him at your pleaſure? Did not the foreſaide Grange, cominge to the Quene from you, ſpeake to him alſo? did he not take him by the hande, vvill him to departe, allueringe and tellinge him, that no man shoulde followe to purſewe him? Did not the Erle remaine in the cōtree at hande manie monethes after, vntill the returnīge home of the Erle Murraye? And then for a face and countenāce, there were made ovvte to the ſeas certaine shipps to apprehēde him, yt beinge of you pretended, that he vvas novve become an arrant pirate ād rouer vpon the ſeas. Naye, naye, yt vvas not he you ſo longe ſovvght after: yt Was an other birde, and her ye had faſte in the cadge, and therefore ye permitted the Erle to flye vvhither he vvolde. But yet you ſaye in your accuſation putt vpp to the Quene of Englande and her commiſſioners, that as he vvas the cheif executour of the laide lorde Darleys deathe: ſo she vvas of the fore knovvledge and counſaile, yea and the mainteiner therof alſo, ād therfore she bothe ſtopped the inquiſition of the facte, and punishemente of him: And alſo matched her ſelf in mariage with him:

I alke

I aske then, as before of you, vvhie throvvghe the ſpeciall ſuite and procuremente of your faction, he vvas acquited and ſett on cleare borde? Whie did you vvithe a greate parte of the nobilitie, moue, further, and vvorke the ſaide mariage as moſte meteſte and neceſſarie for your Quene? Whie did you as by your hande vvritinge yt vvill appere, proferre and promiſe to hym your faithfull ſervice, & to her your loyall obeyſlance? Why dyd none of all your faction, nor anie other elſe eyther openlie or privatelie declare & detecte this matter to your Quene, before the pretended mariage? Was there no tyme nor occaſion and oportunitie, to geve her warninge therof, but by the terrible and fearefull blaſte and ſownde of the martiall trompett? For (he (good innocente ladie) hathe vpon her honour proteſted and planelie declared (the wiche her proteſtation alſo, the diſorderlie, ambitiouſe and tragicall doyngs, of theis rebelliouſe and traiterouſe ſubiects do muche helpe and confirme) that afore her takinge and impriſonmente, ſhe never knewe, who were either principall or acceſſarie: or by anie meanes culpable and blame worthie, concerninge the ſaide murther. Towchinge

*The Quenes enimies bownde by theyre hāde wrytinge to obey the Erle Bothevvell, ſ the maried the Quene.*

*An anſ-vvere to the thirde.*

the thirde pointe yt ys not vvorthie the cõ-futinge, for theis ſame men knevve right Well, that the Quene had putt her ſõne faulf and ſuer inovvghe in the gvvarde ād cuſtodie of the Erle of Marre. But ſee I praye you the impudencie of theis men: And conſider hovve muche yt ys to be muſed and merueled at, Who are not aſſhamed to publiſhe by open edicts and proclamatiõs, that the Prince ſhoulde be in more ſecuritie and ſaufegarde vnder the protectiõ & kepinge of the Regente and vſurpinge rebells, then vnder the hands and bringinge vppe of his ovvne moſt naturall & deare mother, with diuers other the like vnnaturall, ridiculouſe and abſurde propoſitions God bleſſe hym and graunte hym no worſe to ſpeade, then hys moſt tender and louinge mother dailye wiſſhethe, ād cõtinuallie praiethe for. Who,

*The Prince yf he vvere at age wolde not like thenmmes doinges againſt his mother.*

good ſvvete babe, yf he had age and diſcretion to vnderſtande theire doings, vvolde geue the Erle Murraye and his fellovves but coulde thancks, for the intrudinge of hym againſt his good mother, vnto the crovvne and gouernemẽt of the realme, but vvolde and myght vvell ſaie, that this vvas but a colour vnder hys ſhadowe to ſtrengthen him the ſaide Erle, againſt hys good mother

and

and perchannce againſt hys owne ſelfe to. Hys owne vnnaturall coronation alſo (thovvghe theis men muche bragge yt ſolemnelie and orderlie to *have* proceded) he Wolde as muche miſlike. Neyther vvolde be bye yt ſo deare, nor come forthe to be a kinge ſo vnnaturallie, as the vipers enter into the worlde by eatinge and gnavvinge ovvre *the* mothers vvombe. He vvolde demande and aſke vvhat ſtrange nevve fovvnde ſolemnitie, and fonde manner of coronation this Was. For *the* matter beinge of ſo greate and vveightie importance, of one hundred Erles, buſshopps, and lordes, and more that haue voice in parliamente, vvherof all or the more parte of them ſhoulde have an agremēte, likinge, and conſente, as to all other, ſo to theis publike doinges alſo: there vvere no more preſente but fovvre Erles onelie. Wherof the moſt *honorable*, had not the ſeventhe or eyght voyce in the patliamente amonge the Erles, nor yet the firſt of tvventie voyces amonge all the ſtates. We had farther but ſixe lords, Who alſo vvere ſuche, as had laied theire violente hands vpon theire Quene afore, and putt her in priſon. And leaſt all

*He vvas vnlawfull lie trovvned.*

ſhoulde be voyde, yf they ſhoulde ſeame to lacke theire full congregation of the ſpiritualitie and temporalitie, in leapeth one buſshoppe, and two or three abbotts and Priours. But yet, vvere there not ſolemne proteſtations I praye you then openlie made, and authenticall inſtruments therof made alſo, that what ſoeuer vvas that daye done either for the coronation and inueſtinge of the kinge, or for the eſtabliſshinge of a regente, or otherwiſe againſt the Quenes royall eſtate, and perſon: yt ſhoulde not be to her in anie pointe hurtefull or preiudiciall, as beinge then violentlie deteined and impriſoned? Well you vvill alleage paraduenture, that all theis proceedings vvere ratefied and confirmed by acte of parliamente. Yet all this not vvithſtandinge, thys noble impe, yf he vvere at ripe yeares, vvolde no dowbte acknovvledge and allovve no ſuche diſordered parliamente. But vvolde enquire of you vvhat authoritie you had to call and ſomon the ſaide parliamente? He vvolde ſaye, that the ratefienge of the ſaide dimiſſion of the crovvne by his mother, ys not allovvable or to be approued

*Vvhie the confirmation of the rebelles doings made by an acte of parliamēt ys nothinge vvorthe.*

ued. Firſte by cauſe ſhe vvas then in priſon, and not at her owne libertie: nexte by cauſe yt vvas done by violence and forced withe feare of life, and ſo vvhatſoeuer vvas builded vppon this fovvndation, beinge of ſuche vveakenes, and ſo vnſtable, coulde neuer be firmelie and ſuerlie eſtabliſhed ād corroborated. He vvolde farther ſaye, that diuers of the cheif and moſt principall amonge the nobilitie, nameli the Erles of Argile, and Huntley vvith the lorde Herris, vvolde not in anie vviſe accorde or agree therto, othervviſe then yt ſhoulde ſtande vvithe the Quenes voluntarie will, voide and free from all manner of threatninges, force, and violence. Wherof th·y did full earneſtlie and ſolemlie proteſte, requiringe theyre proteſtations to be enacted and recorded. He vvolde more ouer ſaye, that he coulde in no vviſe, vvell like of, that parliamente, that ſhoulde ſo diſhonour his ovvne good mother, and make her to be an infamouſe Princeſſe, havinge none other grovvnde and prouf to leade them to do ſo, but onelie a fevve vncertaine gheſſes, and vnknovven obſcure lettres.

He vvolde no dovvbte for all theis mens vaine boſtinge and bragginge of Iuſtice and quietnes, moſt tenderlie lament and vvofullie bevvaile, the miſerable and pittifull cate, and doloroute ſtate of that ſelie poore ragged, and rent realme, the vvretched and infinite robberies and ſpoiles cõmitted and done vpon the trevve loiall ſubiects therof, beinge dailie moſte greavouſelie oppreſſed, and ſhamefullie murthered: And the vvhole realme ſo merveloufelie maimed, that the verie outevvarde enemye dothe ſore lamente to ſee yt, or heare therof, and that vvilbe wondered at of all the poſteritie, ſo longe as the vvorld dothe ſtãde. He Wolde ver ſaye, *that* in cafe *there* had bene no iniurie offerid ei*ther* to his mother or to anie other, he vvolde not ſuche miſerie ſhoulde *th*rovvghe *hym*, or vnder hys name be cavvſed or occaſioned, thovvghe he might purchaſe therby, the greatteſt empire in the vvorlde. Thus maye euery man ſee & perceaue howe diſhonorable & howe diſloiall your acts & doings haue bene, and alſo hovve diſagreable to your faiengs proteſtations and prętenſes. For ye pretended, at your firſte ſeditiouſe motion (as vve haue declared) the Quenes libertie and honour, and that ye vvolde duelie and feaithfullie

and

ſerue her, vvhiche your ſeruice vvhat yt was
let your doingsdeclare. Ye make pretence
that ye toke armes cheifelie for the appre-
henſion of the Erle Bothyvell, and yet ye di-
miſſed and lett hym goo, beinge preſente,
and neuer but longe after, and colorablie
ſowght him. Ye pretended the quietnes ād
peaceable gouernemēte of the realme, but
therealme vvas never theis manye hundred
yeares ſo diſquieted & turmoiled vvithe ſo
ſore ſtormes ād bluſtering tempeſtes. Ye p-
tendēd at your firſt inuoienge ād cōference
againſt youre layde Maiſtris before the Que-
ne of Englāds comiſſiōers, that ſhe findinge
her ſelf vnable and vnmete to rule and go-
uerne her realme and ſubiects, voluntarilie
yelded vpp and ſurrendred the crowne. But
the contrarie ys moſte apparētlie knovven:
Yea you your ſelues about tvvo monethes
after, quite forgetinge your firſte allegatiōs
ſaye, that the ſtates of the realme of Scot-
lāde depriued ād depoſed her. At What time
ye alſo made ſolēne hypocritical ād cloked
ꝓteſtatiōs, how lothe you Were to publiſhe
and detecte anye matter to her dyſhonour.
Wherto might be replied againſt you, af
well the rule of the lawe, *that Proteſtatio con-
traria facto, non relevat*, As the olde Prouerbe

*The incontinencie of the Quene of Scottes firſt prenominies, voluntary dimiſſion of the crowne ād that afterward ſhe vvas deposed.*

*Crocodili lachrymæ.*, the falſe traiterouſe teares of the hypocriticall Crocodyll. Fie therefore and owte vpon theis your Crocodile teares, whereby you wolde perſwade & make the worlde beleave, that you wolde redeame and ſave her honour withe your perpetuall baniſſement. And as for the religiō ye ſpeake of, yt were muche to be merveled, and ſore to be pitied, yf that yt coulde not be mainteined and borne owte withoute ſuche fowle dyshoneſt & owtragiouſe meanes and ſhyfts. But all this your greate feare, leaſte that Scotlāde otherwiſe ſhou'de not be able to have and beare the countenance and maintenance of a kyngdome, ys mere vaine and frivolouſe, and altogether needleſſe. For whye ſhoulde you thus feare, havynge ſuche a noble Quene lyniallie deſcendinge from the Royall race, of the noble Kyngs of Scotlande, and inheritinge the crovvne therof, of ryght. She havinge beſyds (God be thancked therefore) ſo goodlie a noble Impe, when the tyme ād lavve callethe hym therto, to ſuccede hys mother: vnleſſe that ye be maiſtre knoxe hys ovvne good ſcholler, and ſuche of hys affinitie, that have ſett vpp & erected a iolie nevve ſcole (as we haue declared) teachyn-

ge

ge that yt ys not lawefull for a womā Prince to haue civill gouuernemente. Theis ād manye the like things vvolde this good & naturall louinge childe tell āa reprove you of, yf he vvere of diſcretion & intelligence to weighe and conſider your ſtrange procedings and deuiliſhe dealings, againſt his moſt deare and tēder mother. Yea he wolde tell you, that hys mothers ineſtimable and vnmeſurable benefitts, vvere vvell ād worthelie emploied, and beſtowed vpon ſuche a wicked and vngrate generatiō. He wolde alſo ſaye and tell you, that you ſhoulde purchaſe your ſelues ſmall renovvme, and litle revvarde of God, or of the vvorlde, for this your falſe fained paciēce, in hearinge your ſelves called (and that full vvorthelie) traitours and rebelles. No more ſuerlie then yf ye had harde, as novve ye muſte (for thys daintie diſhe vve haue reſerved for your ovvne tothe to the laſte courſe) and ſo proved vvithall, the deuiſers and procurers of the ſhamefull, vile vilaynouſe murther of the noble yonge lorde, the lorde Darley, your ovvne maiſtreſſe & Quenes moſt deare huſbande. Whoſe tēder harte, never anye worldlie thinge ſo nighe and ſo deapelie

*A ſtrange doctrine of maiſtre knoxe againſt vvomans gouuernement.*

pear

peared as did this miſcheuouſe acte. Ye tri-
*The Quenes enne-mies ſond-lie triuphe of theyre victorie a-gainſt her trewe ſub-iects.* umphe and vante of your glorioufe victo-rie, and of the vnmercifull ſlawghter, ye haue made vpō the Quenes moſte louinge loy all ād feaithfull ſubiects. Ye valewe me-ſure ād rule thereby, the goodnes and equi-tie of your quarell and cauſe. But this rule dothe not alvvayes holde as neuer hauinge exception and inſtance. The Iſraelites qua-rell againſte the tribe of Beniamin, riſinge vppon a trevvthe and horrible facte perpe-trated ād comitted by the Gabaonites, whō the Beniamites did defende (and not vppon falſe fained doings and outerāgiouſe ambi-tion, as yours doth againſt your Souereigne) vvas a thovvſande times better, and more iuſte, then ys this your pretenſed quarell, ād ſeditiouſe vprore. And yet the Beniamites gaue them a ſore greauouſe and pittifull o-uerthrowe. But yf ſcripture onlie vvill not ſatiſfie you, hearken to kinge Priamus who ſayethe that in Warre oſten times the good and the honeſt goe to vvracke, vvhereas verletts, theues, and liers do eſcape.

Iudie 20.

*The victo-rie ſome-time fal-lethon the worſe ſide.*

Iliad: 24.

Τὸν μὲν ἀπωλεσ' Ἄρης, τὰ δ' ἐλίγχια πάντα λέλακται
τοῦσαιτ' ἐρχατάων χορεῖ μυκάοισιν ἄριστοι
ἀρσὰν δὲ ἰείφων ἀπιδέμεν ἀρπακτῆρε.

And ſuerlie yt vvere no yll counſaile for

you

you to remember vvithall *the* olde ſayenge *Reſpice finem*: take good head what maye fall ovvte at the ende. Ye do litle vveighe and conſider the greate prouidence of almightie god in this facte, Whereby he ſeamethe to haue prouided ſuche an indifferente vvaye and ſo free from all ſiniſter ſuſpition, for the prouf and iuſtification of *the* Quenes innocencie and integritie, and for the maintenance and preſeruation of her name and honour (the vvhiche ſhe eſtemethe and preferrethe afore all earthlie things) and for your vtter confuſion and ſhame, the like vvherof coulde not by man be fovvnde. What ſhall I then ſaye to you? Hovve ſhall I begine or vverein to you? Suerlie I maye vvell crye ovvte ô Heauen ô Earthe, ô God, ô Man, hearken, hearken to ſuche a heinouſe deavilliſhe deuice and drifte, as dovvbtleſſe, neither tragedie nor anie recorde of antiquitie can lightlie reporte a more heinouſe: Hearken I ſaye to *this* deteſtable and abominable facte. Hearken of ſubiects that haue conſented vnto, and cauſed theire owne Princes huſbande to be ſlayne, ād not cōtented to enioye theire owne impunitie of ſo horrible and greauouſe a crime, haue

ſovvght

ſought and inuented meanes and vvayes vvillingelie and vvittingelie to haue ſlaundered therwithall, theire moſte innocente maiſtreſſe and Souereigne, and haue moſte wrongfullie and full iniurioutelie caſt her in priſon, and ſpoiled her of all her princelie eſtate, beīge in a redines euerie howre to haue bereaued her of her life ād all: And as they haue of them ſelues reported, haue bene of nothinge more repentante and ſorie, then that they haue not fullie executed theire purpoſed miſcheif. We ſaye then no leſſe boldelie then trewlie. Firſt that the Quene for this facte ys farre from all faulte. We ſaye nexte, that ye Murraye and your companions are the verie diuiſers ād contriuers of the murther of this noble gētlemā, your ſelues. But to diſcloſe ād opē theis matters at the full, yt dothe require a verie large ſcope ād diſcourſe. Yet vvyll we as breefelie as the cauſe will ſuffer, ꝓſequute the ſame. For the firſt ꝑte that maye ſuffice, that Wehaue alredie declared, ſhall here after declare for her innocencie. Nowe before we ꝓceede to the ſecōde, for the, more euidente and open condemnation of theis men, Lett vs imagine that to be done, that neuer vvas thowght of her ꝑte, to be done.

Lett

Lett vs imagine ād ſuppoſe that the Quene Were therin gwiltie, as theis mē moſte faul- ſelie ād ſlaunderouſelie reporte. Yet are all theis theire procedings of no validitie or force, ād ſhe remainethe ſtill theire Quene, and in her full auctoritie, by good reaſon and lawe. The zeale to punithe greate crimes, ys commendable, ſo it be meaſured by order and lawe. For as Ariſtotle ſayethe, yt ys not inough ghe to do καλὸν a good deade, vnleſſe vt be καλῶς Well done alſo. The one wherof reſpectethe the facte, the other the forme, māner ād faſhion, the qualitie, meanes, and order of the doinge therof. *Quæ forma dat eſſe rei.* This forme and faſhion of Well doinge, hathe not bene obſerued in your ꝓcedings. For yt cā not be well done, that ys vnlawfullie, vnrightuouſlie, and diſorderlie done. Yf yt had bene, but a poore priuate mās cauſe, for the lacke of devve ād cōuenient forme in the treatinge ād handlinge therof, the Whole ꝓcedinge had bene of none effecte or purpoſe. The lavves of vvell ordered cōmon vvealthes, eſpeciallie the ciuill lavve, the principall ād maiſtris of all other ciuill pollices ād ordināces, do require, in all iudgemēts to be geuen againſt the defendāte, three ſeuerall ād diſtincte p-

*In caſe the Quenes vvere culpable, yet are her ennemyes proceadings vnlavvfull.*

*Yt ys not inough to do a good thinge vnleſſe yt be well done.*

*The lawe geueth exceptions to the defen-*

ſons:

*dāt agaīſt the iudges the accuſers and witneſſes.*

ſons: the iudges, the accuſer, ād the vvitneſſes. The defendante hathe the benefitt of iuſte and lavvfull exceptiōs, as vvell againſt the iudge, as againſt the accuſers and vvitneſſes, Eache of vvhome maye be reiected for open eniminitie tovvarde the defendant, and for diuers other cauſes. Accuſers maye be repulſed, ſome for that they haue receaued a ſinguler benefitte of the partie defendāte, as a bonde man manumitted ād made free, In caſe he will accuſe his patrone and manumiſſor: or yf a man will accuſe his educatour and bringer vpp. Some for neareneſſe in bloudd. and conſanguinitie, as the brother. Some for nawghtie ād infamouſe behauiour, ād ſome for other reſpects. Shal theis vngratefull traytours then, that iuſtlie neither can be iudge nor accuſer, nor as muche as vvitnes againſt there ſouereigne, and to them a moſt gratiouſe Quene, by anye reaſon or lavve, playe them ſelues all the three parts i the tragedie? For they haue in all theis theire vvorthipfull proceadings againſt her, made ſuche a horche porche, ſuche a mingle mangle, ſuche a confuſe and diſordered chaos againſt iuſtice and nature, that they them ſelues vvere the accuſers, they them ſelues the vvitneſſe, they them ſelues

*C. qui accuſat non poſſ. liniquum & l fi. l. q accuſ. ff. de accuſat.*

ſelues the Iudges and examiners of her cauſe. Ys there anie honeſt meaninge and gentle natured harte, that can ons pacientlie abide and ſuffer to heare theys theire tauntinge and intollerable owteragiouſe inueings and accuſations, eſpeciallie of the Erles Murraye and Morton, the Capitaines, ringeleaders, and cheif practitioners therof, againſt her, to Whome they are moſt deapelie bownde, aſwel for highe prefermente vndeſerued, as for diuers pardons of death*e*, by manifolde treaſõs worthelie deſerued? To whome the one of them ys by nature ād bloude (albe yt baſe) as a brother entierlie conioined. And to Whome they both owght to be with the reſte, as to theire leage ladie, moſt loyallie ſubiected. Shall they novve vvithe the lorde Lindzaye be admitted to ſtaine and defile her honour, to ſeake her harts bloude, Who longe ſithens had vvorthelie loſte theire ingrate chorliſhe, traiterouſe bloude, yf they had not bene preſerued by her ſingulier and incredible clemencie? Yet let vs conſider *th*eire preciſe and moſt holie forme of iudgemente. The Quene vvas diſorderlie and rebelliouſelie apprehēded, ſhe vvas caſte in priſõ, not ons hearde to anſwere for her ſelf moſt inſtātlie ād pittifullie crauīge audiēce.

She

*A good argumẽte that the Quene by cõpulſion diſmiſſed the crovvne.*

She vvas forced and conſtrained by moſte vchemẽte and iuſte feare to geave over her crovvne, and dimiſſe the regimente to the Erle Murraye. One greate argumẽte of the ſaide conſtrainte and compulſion amonge other ys, that ſhe neuer reade ſuche vvritings, as vvere offered to her, to be by her ſubſcribed, nor entred into anye covenante or talke for the mainteinance of her lyuinge or ſaufgarde of her lyfe, vvhiche thinge ſhe vvolde never by any indifferente mans iudgement haue done, yf ſhe had freelie and voluntarilie yelded vpp her regall dignitye. Neither can the pretenſed parliamente be preiudiciall to her, ſtãdinge vpon no better or ſuer grovvnde, then vppon ſuche as vve haue rehearſed: And vpõ ſuche vvorſhipfull lettres miſſive, as are by them, I can not tell more falſelie, or more fõdelie, cõterfeited. Suerlie ſuche traitours, as durſte laye violente hands vppon theire Quene, and intrude thẽ ſelves into the regall gouernemente, vvill make but ſmall curteſie, in the fainĩge and forginge a lettre, therby to vvorke theire purpoſed miſcheif. I vvolde then farder demaunde of them, What authoritie they had to ſomon & aſsẽble a parliamẽte? And whether thys facte of hers, ſuppoſinge

ſhe

ſhe were therein gvviltie, deſervethe in her beinge a Prince, & conſideringe hovve heinowſelie the lorde Darlie had offended her and the crovvne of Scotlande, ſuche extreame puniſhemente to be levied vpon her for one ſimple murther, eſpeciallie by them that comitted that ſhamefull murther vpon her ſecretorie, that hathe cõmitted ſo manie treaſons, and dailie do comitt ſo many horrible murthers, vpon the Quenes trewe lovinge ſubiects. Howe manie, and hovv crewell and terrible deathes, ſuche traitours deſerve? We haue moreover to demaunde of them, whereas they pretende a meruelouſe and a ſinguler zeale to religion and holie ſcripture, ād to meaſure all theire doings preciſelie by ſcripture and order therof, vvhat ſufficient vvarrante they haue therein, by theire private authoritie, to ſett violente hands vpon theire annoynted Prince? I finde there that kinge Dauid vvas bothe an adoulterer, and alſo a murtherer, I finde that God vvas highelie diſpleaſed with hym therefore. Yet finde I not that he was therefore by his ſubiects depoſed. And here might I take occaſion owte of the ſacred ſcriptures to declayme and diſcourſe agaynſt your diſordered doings, but that yt

ys neadeleſſe, and our matters othervviſe grovve longe. But yet conſider ye vvithe your ſelues, you the Erles Morraye ād Morton vvithe your conſociates, that eauen adioyninge the Quene vvere culpable and in ſome fault, as ſhe ys not in this matter. Whether yt had not bene muche better and more auaileable to your comon vvelthe, ād to the ſtate therof, prudentlie to haue diſſembled the matter, (as your forefathers haue hertofore done in a greater cauſe then this, namelie in duke Roberte the gouernour, kinge Roberts Brother) then to haue permitted your comon vvelthe to haue comen in to ſo miſerable ād wretched a ſtate, at yt ys novve fallen in, and dailie ys likelie to be in vvorſe caſe and vvorſe. I ſuppoſe yt vvilbe fovvnde, that yt had bene a muche better pollicie to haue reſerued the puniſhemente therof to Gods ovvne rodd and iuſtice, in this or in any other vvorlde: then to haue taken from him, that he hathe reſerued to his ovvne onlie iudgemente, and to haue geaue to the ſubiects of other Princes ſuche a vvicked preſidente: that yf theis other ſubiects treade faſte vpō your ſteppes, there will ſhortelie fewe kings and Princes in chriſtenedome, haue any ſure and faſte holde of theire ſcepter and royall dignitie.

*The Duke Roberte of Scotlande.*

We

We conclude then againſt you, ſpeake and do the vvorſte by her that ye can inuente, that your ꝓceedings be not agreable or correſpondēte to lavve, order and iuſtice. And therefore to be reuoked, repealed, and annulled. We ſaye, that the comon rule of the lawe ought heare to take place. *Spoliatus ante omnia reſtituendus eſt*, vnleſſe that where all lawes atvvell Gods as mans lavve do fauour and preferre Princes cauſes, with ſinguler priuileges ād prerogatiues, ye haue novve eſpied ovvte a nevve lavve, Whereby princes ſhall haue and enioye leſſe benefitts and præminences in theire ovvne defence, then other priuate perſons. We ſaye that for theis and manye other good and neceſſarie conſiderations, all ys voide that ye haue buſied yout ſelues abovvte. We ſaye that all your doings ovvght to be remoued reuerſed and clearelie annulled, and the Quene wrōgfullie by you diſplaced, to be reſtored to her ſeate ād former dignitie ād honour. Then lett the whole matter be, yf there be iuſte cauſe before competente and mete iudges to ſitt vppō a Prince, iuſtelie and orderlie heard and determined. For as for you, eſpeciallie the Erle Mutraye and Morton, ye are to be charged and chalenged, be-

ſide all other iuſte exceptions, eauen as the principall inuẽtours maintenours and workers of this ſhamefull and cruell murther, for the vvhiche ye haue made all this burlie burlie. And as I maye ſaye, ſtirred heauen and earthe againſte your ovvne verie naturall Prince. Neither maye the lorde Lindzaye be heardе or ſuffered to intermedle againſt her, yf lavve take place, for diuers his demerites: Amonge vvhiche he ſtandethe charged aſvvell for that he vvas one of the cheif inſtruments in the ſlavvghter of the Quenes Secretorie Dauid: As alſo in the apprehẽdinge and impriſoninge of her grace. But I muche muſe and meruaile hovve the Buſſhoppe of Orkney, for thame coulde ſo preſumptiouſlie and heinouſlie inueighe and declaime before the Quene of Englande and her cõmiſſioners, againſt his maiſtreſſe pretenſed mariage, vvithe the Erle Bothvvell, ſayenge that he him ſelf did celebrate the ſolemnitie therof. Who alſo vvas your onlie buſſhoppe, that vvas preſente at the coronatiõ of your nevve erected kynge. A man moſte apte and redye to ſerue all vvorlds and turnes. Againe you the Erle Morton, beſids the murther of the Quenes Secretorie and of

the

the lorde Darley her huſbande, there are manye iuſte exceptions and chalenges to be layed and taken aſvveell of other miſdoings, as of manifolde and apparente treaſons, vvhiche ye ſeame to haue ſucked vvithe your mothers milke, Ye haue bene a traytour ſo often times to your Prince and Souereigne. But the Erle Murraye yt ys, vvhome aboue all other, We haue to charge and burden. His baſe natiuitie, his baſer conditions, the notable ſayenge of the forereſayde *Caſius*, *cui bono*? The trade of alihis former lif, vvill muche ſtaine ād preſſe him, yf vve do vvell vveyghe and marke the vveyghtie preſumptions, that be euidente and plaine againſt him. I vvill make my beginninge vvithe the greate and vnnaturall vnkindenes ād ingratitude, by him ſhewed to his deare ſiſter, and his louinge ād moſte bountefull maiſtreſſe and Souereigne. At what time ſhe mīded, after the deathe of her firſte huſbāde the Frenche kinge to repaire into her owne realme of Scotlāde, ſhe ſent forthwithe for him into France, ād vſed his aduiſe ād counſaile in all her affaires, eauen as ſhe did alſo after her retorne into Scotlande, So farre, that ſhe had, but as yt were the name and callinge, he bearinge the ve-

*Exceptiōs moſt iuſt againſt the Quenes accuſers but eſpecially against the Erle Murraye.*

*The greate benefitts employed by the Quene vppon the ſayde Erle.*

rye ſwaie of the regimente, by her intituled to, and honored and adorned vvith the erledome of Murraie, and at lengthe by one meanes or other furniſhed with ſo greate and ample poſſeſſions, that beſide other cõmodities and aduauntages, the yearelie rẽte therof paſſethe and ſurmonche the ſome of tvvẽtie & ſixe thovvſande povvnds after the rate of theire monoye. Beholde novve the thanckfulnes of hys good and gratefull nature. He labored & endevored all that he poſſible coulde to vvith holde the Quenes minde, ãd ſtaie her from all manner of mariage, and to entaile the crovvne of the realme vnto him ſelf, thovvghe he were illegitimate ãd vncapable therof, ãd to the name and bloud of the Stevvards. But when he ſawve and throvvghlie perceaued, and vvell knovve, that the Quene vvas fullie minded and earneſtly bẽt, ãd had novve determined to ioine her ſelf in mariage vvithe the lorde Darley, he practiſed meanes, by his aſſiſtance and procurements, to haue ſlaine hym & his father, and to haue impriſoned her at lochleuen: And to haue vſurped the gouernemente hym ſelf, as he novve dothe. But novve when he ſawe this hys intente and purpoſe diſcloſed and prevented, and that

*He vvent about to entaile the crovvne of the realme to hym ſelf and the Stevvards.*

the

the ſolẽnization of the mariage was alredie paſte, he ſhevved him ſelf with his adherents in open felde and in armes, againſt the Quene hys Maiſtreſſe. Where vpon he vvas driven to flie into Englãde. At whiche hys there abode, he inſtantlie ſolicited and beſowght the Quene of Englande, for aide againſt his Souereigne, Whiche ſhe worthelie denied hym. Then begane he to practiſe with the Erle Morton by hys lettres and meſſẽgers, abowte the deteſtable ſlavvghter of Dauid the Quenes Secretarie. Who by theire miſchevouſe ſleights and craftie perſwaſions, enduced the lorde Darley, promiſinge hym to remove the Quene from the medlinge vvith all politike affaires and actuallie to putt hym in poſſeſſion of the crowne, and of the rule and gouernemente of the Whole realme: to ioigne vvithe them in this traiterouſe conſpiracie, againſt the Quene, hys moſt deare and lovinge vvife, and moſt dreade Sovereigne. Wher vpon the murther was in moſt horrible & traiterouſe vvile comitted in the Quenes owvne chamber of preſence vpon hym, violentlie plucked from the Quene: ſhe alſo beinge cruellie minaced and ſore threatned havinge alſo a charged piſtilett ſett to her

*His rebellião againſt the Quen.*

*His cõſpiracie with them that ſlevve the Secretarie Dauid.*

*A charged piſtylett ſet to the Quẽs bellie.*

bellye, ſhe beynge then greate whith chylde, and then removed from her pryvie chãber in to an other, where ſhe was kepte as priſoner. The yonge vnexperte and raſhe L. Darley, wo beynge blynded whith outragyouſe ambition, coulde not forſee the deavelyſhe dryfte, of theys craftie marchaunts: begane novve, but almoſte to late to eſpie yt, and ſeynge hym ſelf as nyghe to danger, as was hys vvyfe the Quene, repayred to her, moſt humblie aſkinge her pardon of hys heinouſe attẽpte. And pytyfullie crienge ovvte to her, to provide and fynde owte ſome preſente waye to preſerve them ſelves bothe. Who by the Quenes polytike induſtrie, Was privelie whithe her ſelf conveyed avvaye ovvte of the rebells daunger. And by hym thys wycked dryfr, and the drivers and contrivers therof vvere diſcovered to the Quene. But lo, the next daye after thys ſlavvghter, the Erle Murraye, entred in to Scotlande, and repaired to the Quene vvhith as faire a countenãce, as thovvghe he had bene cleare, aſvvell for that facte, as for all other treaſons. Wherof the gentle and mercyfull Quene pardoned hym, admyttynge hym againe in to her graces love and favour. Whereat the Lorde

*The Quẽ. by her induſtrie cõveied her ſelf awaye vvith the lorde Darley.*

Dar

Darley muche myſlykynge and vehementlye repynynge, feared leaſt that he wolde be, as he was in deade, When he ſavve hys tyme, revenged vpon hym, bycauſe he vvas of hym detected to the Quene, for beynge one and the cheif of the counſailours, ayders and aſſiſters, in the cõſpiracie, abovvte the murther of the Secretarie, novve cõmitted. Theys and the lyke imaginations ſo deapelie ſaneke in to, and pearced the yonge mans harte, that finallie he reſolved whith hym ſelf, by one meanes or other, to rydd the Erle Murraye ovvte of the vvaye. Where abovvte he vvente ſo farre forthe, that he communicated hys purpoſe to the Quene who dyd moſt hyghelie myſlike, ther with, and moſte vehementlie deterred hym from the ſaide hys intente. Yet did he breake the matter farther, as to certaine other noble men, by vvhome at the laſt, Yt vvas reveled to the Erle Murraye. Wherefore the Erle dyd continuallie after, beare hym, a deadlie enimitie and hatred. Wher vpon at lengthe all other attempts failinge him, this execrable murther vvas by hym the ſaide Erle Murraye, and by the Erle Morton fyrſt deviſed, and afterwarde in ſuche ſtrange and heinouſe ſorte, as the vvorlde knowethe ād dete

*The cauſe vvhie the Erle Murraie heyted the lorde Darley.*

deteſteth, moſte horriblie practiſed and putt in execution. What, paradventure ſome man wyll ſaye, of all the men in the worlde, the Erle Murraye ys fartheſte of, from all manner of ſpott and ſiniſter ſuſpition towchinge this matter: for he vvas not at the courte vvhen this murther vvas committed: And vvhen the Quenes grace vvas apprehended, he vvas ovvte of Scotlande. And vvho did driue ovvte of Scotlande the Erle Bothvvell, but the Erle Murraye? Who ys he that hathe taken ſo muche paines and trauaile to bovvlt and finde ovvte and execute ſuche as vvere culpable therein, but the Erle Murraye? In deade for his bodelie preſence, at the deade doinge, I vvill nothinge affirme, he muſte yelde the price therof to his haſtie companion the Erle Bothevvell. He muſte be contended for his ſhare, vvithe the preeminēce and prerogatiue of his ſpeciall deadlie feade tovvarde the lorde Darley, ād prepoſterouſe pregnāte policie and vvitt, ſo cloſelie, ād ſo ſmothelie to conueye and cōpaſſe yt: And beare owte vvithe ſo greate countenance ſo heinouſe a facte, ād to revvarde him ſelf for his paines taken therein, vvith the extruſion of his maiſtreſſe and Quene, ād intruſion of him

ſelf

felf, thoughe abſente, to the regimente and gouernemẽt of the whole realme. This, this I ſaye maye ſufficientlie ſerue him, for the aduancement of his commendation and prayſe, and for the ſignification of his fine politike heade and inuention: I meane, for that before his departure owte of Scotlãde into France vvithe his machiuells practizes, he had ſo conningelie contriued the vvole matter vvithe his faction, that they ſhoulde procure not onlie the Erle Bothvvell to be acquited of the murther, but for his good ſeruice to be revvarded, with the Quenes eſpovvſalls, entendinge by this miſcheuouſe policie, the vtter vndoīge and ouerthrovve, aſvvell of him the Erle Bothvvell, as of the Quene her ſelf alſo. There neuer lacked good vvill in them, as yt vvell appearethe, by theire vngraciouſe doings, to haue longe before ouerthrovvne theire ſaide maiſtreſſe, but there euer lacked apparente matter, to blinde mens eyes vvithall, and to make her odiouſe vvith the people. Novve theis vvilie men vvel knevve, that yf they might ones compaſſe and bringe this mariage thus to paſſe vvithe the Earle, Whom they intended, then as faſte to blaſe

blaſe abrode for the murther by thē comitted, as they did ſuppreſſe the ſame before, from theire good ladie and Quene: vntill they had brovvght her to the baite, yt vvolde ſeame verie probable, not onlie in the eies and iudgement of the rude and comon people, but alſo of manie ſage, graue, vviſe and learned men that ſhe vvas priuie of her huſbands deathe. Wherby they might prętende one execrable acte againſte her that all men wolde deteſte and abhorre, to colour & cloke theire rebellioufe trecheries. Lucifer him ſelf coulde not haue fetched a finer, and a more miſchevouſe and deaveliſhe fetche, then herein theis mē haue done. As for the Erle Murraie his abſence, yt dothe nothinge releaue or excuſe him, Yea yt ys ſingulerlie to be noted and marked, that his verie iourneies, lacke not theire fine fetches to ſerue his turne. Throwghe his firſt iorneie into Francę he Wāpe and purchaſed the highe loue and fauour of his benigne Maiſtreſſe. He retornethe ovvte of Englande at the verie pointe ſeruinge tvvo turnes at ons, by the one therof to circumuent his good innocence ladie, thinckinge to make her beleaue, by reaſon of his abſence, that he vvas farre from the ſocietie of

*The cauſe vvhy the enemies did impute the ſlavvghter to the Quene.*

*The vvorkinges of the Erle Murraie i the time of his abſēce.*

of that conſpiracie: by thother to aſſiſte the better vvith his præſence the confederates, and ſodenlie to ioyne vvith them as he did. I graunte that he vvas abſente bodelie, at the facte doinge, but yet nothinge vvas done, the vvhiche vvas not by his counſaile or agrement concluded. The vvhiche his deuiſe vvas ſo horrible, that yt cauſed the murther of his Souereignes Secretorie, her impriſonmente by her owne huſbãde, that the Quene beinge greate with childe, was put in ſuche a feare, as might haue tended to the preſent daunger of her lief, and of her childe. Yea the vere ſcope of this deaueliſhe drifte was, eauen to haue ouerthrowne him alſo vvhome they made theire vnhappie and vnluckie inſtrumente to ouerthrovve and depoſe his ovvne louinge vvife, and moſte dreade Souereigne. Theis miſteres full ſtuffed vvith ſuche miſcheuouſe purpoſes, lo, vvrought this Erle, in the time of his abſẽce. Novve yt ys to be conſidered, that abovvte ſixtene howres before the lorde Darley vvas ſlaine; the better to coulour the matter, he departed from the courte. Abovvte two monethes after he toke his iorneye into France, leauinge the Erle Bothevvell, as his moſte entire

tire and truſtie frende, recommendinge all his cauſes and affaires to hym before all other. At hys ſeconde retorne from Frãce, he intrudethe *hy*m ſelf into the Scepter royall vnder the name and ſhadowe of the yonge Prince. The *wh*iche thinge vvas ſo imagened, invented, and deuiſed lõge ere that he departed, and in hys abſence, by hys truſtye frends remaininge in Scotlãde, accordinglie accompliſhed and executed. The Quene vvas aftervvarde apprehẽded and caſte into priſon at Loc*h*leven. *Wh*ere hys mother & brother dvvelle*th*e. Vnto the vvhiche Fortreſſe ſhe ſhoulde haue bene ſente, as we haue ſaide, at the firſt cõſpiracie of *th*e ſaide Erle Murraye, yf theire malicioufe minde and intente, had not bene diſapointed by the prouidence of god. Novve what ſerche, when and after vvhat ſorte yt vvas made for the ſaide Erle Bothvvell, vve haue alredie declared. Yf ye alleage farther and ſaye, that no man can denie, but that the ſaide Erle Murraie made alſo lõge, diligẽte, & narrowe ſearche for the murt*h*erers, and did ſeverelie puniſhe them. To this vve replie ãd ſaie, that he neaded not to travaile muche or farre for the findĩge oute of this matter. For he mowght at all times have fovvnde the heades of the conſpiratours vpon the

Erle

Erle Mortõs & his ovvne ſhulders, vve ſaie farther, that as yt ys a ſtrãge, ãd a newe kĩde of deuotiõ in the Erle Murraye ſo to quarrell for lacke of ſolẽnitie, at the buryall of him, for whoſe ſaide buriall, he longed and loked for ſo lõge: So we ſaie likewiſe, that yt ſeamethe Wonderfull to love him ſo tẽ derlie beinge deceaſed and deade, Whõ he ſo deaplie hated liuinge. And to ſeake ſo ſeriouſlie and ſeverelie to puniſhe the murtherers of hym, whõ he wolde ſo ofte haue murthered hym ſelf. This geare ſeamethe to vs poore ſimple and ſlender witted men vnlikelie, incredible, and half repugnãte to nature: And what ſoever the cauſe be, we be of that minde, that yt ys not like, to ꝓcede of anye feruente zeale or greate affectiõ he bearethe to the partie, or to the execuciõ of Iuſtice. Ye are, good Reader, deſierouſe paraduẽture to learne, what other cauſe there might be, of ſo ſtrãge dealinge? Well as ſtrãge as yt ys, we lacke not examples of the like craftie and ſubtile policie, aſwell in holie ſcripture, & in the monumẽts of antiquitie of other cõtrees, as of Englãde, & eſpecialie Scotlãde yt ſelfe, We finde then in holie ſcripture, that there was one Onias at Hieruſalem the high prieſt, a man of ſingulier vertue and perfection, and one that mar-

*Th'Erles Murraie & mortõ ſpiracie againſt the lorde Darley.*

marueloufely tendred God his honour and the honour ād welth of his countrie, There vvas alſo at the ſame time one Simō a verie cauell diſpoſed ād vvicked creature, which went abowt certaine naughtie and wicked deuiſes. But ſeinge that he cold not achiue his miſcheuous purpoſe, by reaſō this bleſſed man Onias ſtayed, ſtopped ād p̄uented him, he practiſeth this vvicked deuiſe, he cauſeth kinge Seleucus to be informed of the greate and ineſtimable treaſure remaninge and repoſed in the temple at Hieruſalem, vvhere vppon the kinge ſent Heliodorus to fetch awaye by force the ſaid treaſure. But afterwarde vvhen this purpoſe chaunced to be fruſtrated ād voide, by reaſon that this Heliodorus beinge vvonderfullie plaged of God vvas cōſtrained to forbeare and relinquiſh this entrepriſe, and the people beinge vvonderfullie offended, and in a greate rage, to ſee ſuch a hainous ſacrilege attempted, What doth nowe thinke ye this good and honeſt man Simon? Surelie he playeth the ſame part that th'erle Murrie hath plaied vvith his moſte gratious Quene, openlie charginge the good innocēt Onias vvith his ovvne ſhamefull acte, and ſayinge that he ſolicited, ād incenſed the kinge

Lib. 2 Machab. ca 3. & 4.

to

to robbe and ſpoile the Temple. We finde in the cronicles of our realme, that albeit Vortiger aſpiringe to the crowne of the realme, actuallie and reallie obtained the ſame, by the murtheringe of kinge Cõſtance, which was not done without hys craftie incenſinge and previe conſent, yet he pretẽded outwardlie greate ſourowe, weapinge and lamentinge the murther of him, the vvhiche he neuer theles locked for, And vvas the occaſion of the ſame. As for Scotlande I repoꝛte me to the tragicall hyſtorie of kinge Duffus ſlaine by a noble man named Dunvvaldus, vvho was in greate eſtimatiõ and auctꝺoritie wth the laide kinge, vvhen the kinge vvas a bedd, in the Caſole, wherof this Dunvvaldus had the keapinge he banketed hyschamberlaines, and ſo ſore oppreſſed thẽ, vvith immoderate ſurfetinge and drinckinge, that vvhen they vvere ons gottẽ abovvte hyghe midnight to ſleape in theire bedds, ye might haue ronge a greate bell over theire heades, lõge ere they wolde wake. Who beinge in theire deade ãd deape ſleape, the kinge vvas murthered & ſlaine, by ſuche as this noble man had ſuborned. His deade bodie vvas caried avvaie & buried in a Riuer. The laborers that buried

*Polycroni. cõ. Fabiã.*

*The cronicles in Enꝯgliſſ. prẽted anno 1498.*

Hector. Boet. l. 11.

*The Erle of Murra aſſẽbled to Dũvvaldus that pcured the ſlawghter of kinge Duffus in Scotlande.*

him were alſo ſlaine, that they might tell no tales. In the morninge the kinge vvas miſſinge, his bed vvas fownde Imbrevved with bloud, his drovvſie drunken chamberlaines that leaſte knevve of the matter, vvere had in greateſte ſuſpition, ād With ovvte farther delaye by the ſayde Dunvvaldus like a man zealouſe to puniſhe malefactrs, vvere ſlaine and put to deathe. No man beinge farther a greate vvhile from ſuſpition then he: vntill firſte his ovvne ouer buſie ſearchīge for the murtherers, ād afterwarde other thīges breade vppon him ſuche ſuſpition, that he vvas thervpon apprehended, and beinge fownde gwiltie worthelie executed. The like prāke played Duke Robert, brother to the kinge of Scotlād, ād gouernour of the realme, of vvhome vve ſpake before. He procured the Prince his nephevve to be made avvaye ād murthered: And yet pretendinge him ſelf, as holie as the E. Murraye dothe, to be zealouſe in the puniſhinge of ſuch an heinouſe facte, cauſed certaine innocente pſons to be executed therefore. We ſaye then, that the Erle Murrayes doinges ꝓcede not from anie greate care he hathe to the maintenāce of lawe and iuſtice, vvho ys moſt culpable him ſelf: But onlie colorablie to cloke and hide his

Idem lib. 16.

*The like ꝑte played by Duke Robert in Scotlande.*

ovvne

ovvne miſcheuouſe trecheries, and to turne the blame of the fault from him ſelf vpon his good ladie and Quene, from whoſe perſon yt ys farthieſt. Wherof they them ſelues gaue in manner plaine teſtimonie and vvitnes. For thowghe they had openlie in theire preteuted and diſordered parliamente detected her therof, yet before the Quene of Englands comiſſioners, they alleaged other matters, as her voluntarie reſignation of her crovvne. &c. The vvhich allegations, when they vvell ſavve, vvolde not ſerue theire turne, and that men did vnderſtande, hovve ād after vvhat ſorte they had ꝓceaded againſt her in Scotlād, they vvere, as yt vvere driuē and forced, beinge excluded from all other apparēte ſhifts, after ſeauen or eighe vvekes aduiſemēt, after theire firſt inuectiue, to obiecte the ſaide facte. Wherof the good innocent Quene hearinge, and aſtonied at theire ſtrange and contumelioufe canuaſings, and impudēcie in theire doinges, ād beinge ſithe her apprehenſion credıblie enformed ād by apparēcie of matter ād prouf therof, lead ād induced to beleaue ād geue creditt, that this vviked entrepriſe vvas chefelie inuented ād cōpaſſed by the Er. Murraye ād mortō, made earneſt ſuite by her cōmiſſioners to her God ſiſter,

*The Erle Murraye and hus felher in Scotlād, they vvere, as yt vvere driuē and forced, beinge excluded from all other apparēte ſhifts, after ſeauen or eighe vvekes aduiſemēt, after theire firſt inuectiue, to obiecte the ſaide facte. Wherof the good innocent Quene hearinge, and aſtonied at theire ſtrange and contumelioufe canuaſings, and impudēcie in theire doinges, ād beinge ſithe her apprehenſion credıblie enformed ād by apparēcie of matter ād prouf therof, lead ād induced to beleaue ād geue creditt, that this vviked entrepriſe vvas chefelie inuented ād cōpaſſed by the Er. Murraye ād mortō, made earneſt ſuite by her cōmiſſioners to her God ſiſter,*

*loves beyge driuē from all ſhifres at legth layd to theyre Quene the deathe of the lor. Darley before the Quene ād Engladē.*

ſiſter, our noble Quene to arreſt them, that they ſhoulde not ſhrincke awaye ād departe vntill they had anſvvered that matter for them ſelues, which ſhe fullie intēded moſte effectuallie to proſequute againſt them and others. And ſo did accuſe them in deede by her comiſſioners. And deſidered farther, that ſhe might come in her ovvne perſon before her, and her nobilitie, and the ambaſſādours of other contreis there reſidēte, and goe forevvarde vvith, and proſequute her ſaide accuſation againſte them. Wherof they heatīge, they fretted, they fumed, they ſtamped, they ſtared, and for a ſmayl while made muche hott ſturre. But vvhē that they had vvell conſidered and digeſted the matter, loxinge in theire ovvne breſts, they became vpon the ſodaine ſo coulde, that they thovvght euerie daye an hūdred, vntill they vvere packinge home, and neauer ceaſed, alleaginge manye vayne and friuolouſe excuſes to vrge theire dimiſſion moſte importunatelie, vntill they had at the laſte obteined theire ſuite. O that *Caſsius*, Were novve liuinge, that he might laye to the Erle Murraye his charge, his accuſtomed worthie ſayenge *Cui bono*? He vvolde tell him that as the Quene by this facte, had no manner of

hoped

hoped cõmoditie, and ys of ouer good and vertuouſe a diſpoſition and nature, in anye reſpecte of vvorldelie cõmoditie, ſo to diſhonour her ſelf and ſtate: And eauen as the Erle of Murraye, his birthe and naturall inclination yvere moſte apte and mete to vvoorke ſuche naughetie practiſes: So were there manye occaſions alſo for his parte, ſuche as he had beſte likinge and contentatiõ of, to the puttinge the ſame in practiſe. Amonge other things yt pinchethe him ād all his faction, and greauethe them to the verie harte, to remember the reuocation the Quene had made the Aprill before, of all ſuche thinges, as do apperteine to the crowne, that had by her ſelf or others in her minoritie, bene alienated: Whiche ſaide reuocatiõ by an olde lawe and order in Scotlande, the Princes there maye make before th'accompliſhemẽt of twentie and fiue yeares of age. Novve had the Erle Murraye ād his faction, by one meanes or other gotten in to theire hãds ād poſſeſſiõ, two partes of the yearlie reueneues of the whole crowne. See, ſe, I praye the good reader, yf this were not the verye vndowbted cauſe that made him and them ſo pittifull, ād ſo tender harted tovvarde the lor. Darley beynge deade,

*The cauſes vvhie the Erle Murraye wẽte abowte, as vvell to make avvaye the l. Darley, as to depoſe the Quene.*

whoſe deathe they had ſo lõge thriſted for, and whoſe life they had by ſo manie ſnares, ãd miſcheuouſe vvayes aſſaulted, and layed vvaite for. Yea there vvas a farther *Cui bono*? then this, they thowght to driue by theire iolye politike practiſes, all the diſpleaſure and hatred of the facte vppon the Quene: And ſo for this pretenſed miſcheuouſe facte to driue her from the poſſeſſion of her crovvne, ãd to intrude them ſelues, by ſome pretie colorable conueyances, into the ſole intermedlinge of all the publike affaires, and to the gouernement of the realme vnder the title of the good infante the Quenes ſonne, and to aſſure theire poſſeſſions to them ſelues, at leaſt the ſpace of tvventie and fiue yeares more. But I praye God there be not a farder and a vvorſe fetche, then all this comethe to. Well then all theis theire foretolde purpoſes, hathe the deuell brovvght to paſſe for them eauen accordinge to theire hartes deſire. Sauinge that he oweth them a ſhame, and vvill paye yt them vvhen they counte them ſelues moſt cocke ſure. And beginnethe (as yt ſeameth alredy full properlie to paye them home euery one daye more then other. For as cloſe, and as ſecrete, as they hidd and kepte theire doings

ings from the vvorlde, eſpeciallie from theire good Quene, vntill they had quitted the Erle Bothvvell, and coupled him moſt diſhonorablie vvith that vpright and vvell meaninge ladie in pretenſed mariage, they coulde neuer brīge theire matters to paſſe: And for all theire vaine bragginge ād ovvtfacinge (as yt were) theire innocent Souereigne: theire vvhole vvicked drifte ys detected, burſte owte, ād come to the certaine knovvledge of noō ſmall nomber of men. Ys yt vnknovven thincke ye *the* Erle Murraye, vvhat the lorde Herris ſaide to your face opēlie, eauē at your owne table a fevve dayes after the murther vvas cōmitted? Did he not charge you vvith the forknovvledge of the ſame matter? Did not he *Nulla circuitione vſus* flatlie and plainelie burden you, that ye ridinge in fiffe and cominge vvith one of your moſte aſſuerid truſtie ſeruants the ſaide daye vvherein you departed from Edenborrowghe, ſaide to him amōge orher talke, this night ere morninge the lorde Darley ſhall loſe his life? Ys yt not full vvell knovven thincke ye, that ye and the Erles Bothvvell, morton, and others aſſembled at the caſtle of Cragmillar and at other places at diuers times, to conſult and deuiſe

*The Erle Murraye declared the dayebefore, that the l. Darley sholde beſlaine.*

*Diuers aſſembles of the Erle Murraie & his adherents to cõſult vpõ the ſlaughter of the l. Darley.*

deuiſe vpon thys miſcheif? Yf neade vvere vve coulde rehearſe and recompte to you the vvhole ſome and trewe effecte of the oration made by the moſt eloquẽte amõge you, to ſtirre vpp exhorte and enflame your faction then preſente, to determine and reſolue them ſelves, to diſpatche and make a hãde vvith the lorde Darley. We cã tell you, that there vvere interchãgeable Indentures made and ſubſcribed by you, that he vvhich had the firſte oportunitie offered to make hym avvaye, ſhoulde furthvvithe take yt in hande and diſpatche hym. We can tell you, and ſo can five thovvſande & moo of theire owne hearige, that Iohñ Hepborne the Erle Bothwel his ſervaunte, beinge executed for hys and your traiterouſe facte, did openlie ſaie and teſtifie as he ſholde anſvvere to the contrarie before God, that you vvere principall authours, counſailours and aſſiſters, vvith hys maiſter of this execrable murther, and that hys Maiſtre ſo tolde him: And furthermore that he him ſelf had ſene the Indentures vve ſpake of. We can tell you, that Iohñ Haie of Galavvaye, that Povvrie, that dovvghſhe, and laſte of all that Paris all beinge put to deathe for thys crime, toke God to recorde at the time of theyre deathe

*Indẽtures made & ſubſcribed for the execution of the ſaide purpoſe.*

*Diuers executed in Scotlãd for the ſaide murther wherof none could charge the Quene.*

deathe, that this murther vvas by your counſaile, inuention, and drifte comitted. Who alſo declared, that they never knevve the Quene to be participante, or avvare therof. Well, vve can farther tell you of the greate goodnes of God, and of the mightie force of the trevvthe. Whereby thovvghe ye haue vvonderfullie turmoyled and toſſed, thovvghe ye haue racked and put to deathe as vvell innocents as gvviltie, ād your owne confederates offered manie of them theire pardons, ſo they vvolde depoſe any thinge againſt the Quene: God hathe ſo vvrovvght, that as for no torments nor faire promiſes they coulde be brovvght, falſelie to diffame their maiſtriſſe: So vvithoute any torments at all they haue voluntarilie purged her, and ſo laied the burden vpon your necks and ſhoulders, that ye ſhall never be able to shake yt of, We cā tell you, that her deare Siſter, & our gratiouſe Quene, and the worthie nobilitie of Englande, do Well knovve theis your deteſtable practizes, neyther vvill ſuffer them ſelves to be ſported with the favoringe and aſſiſtinge of your abominable doinges. We can tell you that this good ladie ys vniuſtlie accuſed, ād wrongfullie oppreſſed, as good Suſanna was.

was. We can tell you, that ye altogether reſemble the tvvo olde vvicked gouernours that vvrõgfullye accuſed her, as an advowtreſſe beinge the advouterers them ſelves, and brovvght her into daunger of preſent deathe by theire falſe teſtimonie (as ye haue done withe your vvell intendinge Quene) for that ſhe vvolde not conſente and yelde to the olde luſtie lecherouſe Rebelles. We can tell you, that yf you do not the ſoner repẽte, ye ſee by example of them, What your revvarde ſhalbe, And that in the meane while god hathe as wonderfullie delivered owte of your handes this our innocẽte Suſanna, as ever he did the other from them. For thovvghe ſhe vvere kept ſtraight, in a ſtrõge fortreſſe and caſtle vvith vvatche ãd vvarde in ſuche ſorte, that none of her vvell willers and Frendes, no not ſo muche as the Frenche kinges or our maiſtreſſe her moſte deare ſiſters ambaſſadours, might be ſuffred to come at, or to ſpeake with her. Thovvgh ſhe vvere daile gvvarded withe greate nomber, thovvghe the gates vvere euery eaveninge ſuerlie and cuſtomablie locked, and the keies therof vvere continuallie night by night delivered to the lorde of the ſaide caſtle. Thowghe the bõtes were continuallie faſtened ãd locked vppe. Yet god ſo

*The Quene in a manuer miraculouſlie delivered out of lochleven priſon.*

wro-

vvrowght, that the keies of the ſaide caſtle were in the ſaide lords verie preſence take avvaye, by a poore orphan ſimple boye, beinge not yet eightene yeares olde, bredd alwayes & browght vppe ī the ſame howſe. Whiche feate by hym Wrovvght, ād a tokē or ſignificatiō geaven therof to the Quene, ſhe departed ovvte of her priſō hovvſe, into the courte therof at ſeaven of the clocke at night, vpon the ſeconde daye of Maye: And ſo paſſinge, vvente to the ſaide gates, vnlocked and opened by the ſaide orphan boye, Who takinge bote alſo rowed her, & her waitinge maide vvith all, vvith muche a doo over the vvater, vvho havinge nowe paſſed the vvater vvas on the other ſide receaued by certaine gentlemen, ād by them cōveied & cōducted to Hamiltō: where ſhe before her nobilitie revoked, annichilated & made voide all that ſhe did ī priſō before, with ſolemne ꝓteſtation vpō her othe, that ſhe vvas violentlie forced therto, ād putt in iuſte feare of the loſſe of her life. After this yt pleaſed god to putt her in mīde, to tacke her iourney into Englande, aſwell for the ſpeciall and ſinguler truſte ſhe hathe in her deare Siſter, & her cōfortable ꝓmiſes to her before her cominge by meſſēgers, letres &

to

tokens, ſente from her, bothe confortinge and promiſinge her (oportunitie ſeruinge) all conuenjente ſuccour and helpe, as that we Engliſhemen (whiche muſte neades honour and reuerēce her, Who ys of the nexte Royall bloudd and trevve heire apparente of the crovvne of this realme of Englande) ſhoulde throvvghelie knowe, and fullie vnderſtande, to our greate comforte, her purenes, integritie, and innocēcie in the matter, vnder pretence vvherof, her traitours and rebelliouſe ſubiects, thereby to accompliſhe theire ſeditiouſe ād ambitiouſe minds and purpoſes, haue moleſted, vexed and diſquieted her in māner a foreſaide. And nowe at the laſte kepethe her, not onlie from her crowne ād realme, but from all whatſoeuer either her priuate or other goods, as vnwillinge that ſhe ſhoulde either kepe the ſtate ād porte of a Prince, or any other meaner eſtate vvhatſoeuer. Neither hathe it altogether fallen ovvte cōtrarie to her expectatiō and deſire. For the nobles of Englande, that vvere appointed by the Quene to heare ād examine all ſuche matters, as the rebelles ſhoulde laye againſte the Quene, haue not onelie fownde the ſaide Quene innocente, ād gvviltleſſe of the deathe of her huſbāde,

but

but do vvithall fullie vnderſtande, that her accuſers, Were the verie cõtriuers, deuiſers, practitioners ād vvorkers of the ſaide murther: ād haue farther alſo ſo muche encreaſed, ād in ſuche Wiſe renued the good eſtimation, and greate hope they alvvayes had of her, novve pfectlie knowinge her innocencie, and therto moued throvvghe other princelie qualities reſplendente in her, with many Wherof ſhe ys muche adorned, ād ſingulerlie endevved, that they haue in moſte earneſt vviſe ſolicited ād ẽtreated the Quene of Englād, to geue her aide ād ſtrengthe, vvhereby ſhe maye be reſtored againe to her honour ād crovvne. They haue moued the ſaide Quene of Scotlande alſo, that yt maye pleaſe her to accepte and like of the moſt nobleſt man of all Englāde, betvvene vvhom ād her there might be a mariage cõcluded, to the quietinge and comforte of bothe the realmes of Englande and Scotlāde. Finallie the noble men of this our realme, acknovvledge ād accepte her, for the very e true and rigthe heire apparẽte of this realme of Englande, beinge fullie minded ād alvvayes readie, if God call to his mercie the Quene that novve ys, then to receaue and ſerue her as theire vndovvbted Quene, Maiſtreſſe ād Souereigne, Wherby yt maye caſelie

*The commiſsioners appointed in Englād to hear the Quene of Scotts matters, vvell liked of her ſaide innocẽcie, and of her title to the ſucceſsiõ of the crovvne.*

eaſelie appeare, hovve Well they like of her cauſe, that had the hearinge and triall of the ſame, allthovvghe ſhe never as yet came in theire preſence. Theis thinges novve and manie other whiche for the eſchewinge of prolixitie, we forebeare to enlarge our treatiſe vith, maie be alleaged for the defēce of the Quenes integritie, and for the vprightnes of her cauſe, the vvhiche I vvolde vviſhe you the Erles Murraye and Morton, vvithe your allied confederates, before all other moſt deapelie and bytimes to vveighe and conſider accordingelie, as the vveight and greatnes of the cauſe, as your owne ſauftie, vvith the wealthe & honour of your natiue cōtrey do require. I am not ignorante, that the matter ys gone verie farre vvith you, & that many impedimēts do concurre, to with drawve you, to ſeake that remedie for the reformation of things paſte, vvhiche ys the beſte and th'onelie remedie: But ſuerlie vvhen ye have fullie vveied all things on everie ſide accordingelie, ye ſhall finde no ſure and ſovvnde remedie, but in makinge a true, a ſincere and an vnfained humble ſubmiſſion to your, gratiouſe Quene, vvhō ye haue ſo greavouſelie offended and moleſted. Let not the greatnes or nomber of your

*An exhortatiō of the Erles Murraye & mortō & oth.. to reconſile thē ſelves to the Quene.*

your treaſons wrovvght againſt bothe your Quene and cuntrey: Let not any vaine falſe imagined opinió either of the worlde, or of your vtter ouerthrovve, by reaſon of anie ſuche fonde preſumption of your preſente highe eſtate, of your greate povver force and ſtrengthe, Let no vaine expectatió of externall ſuccours ſtaie or ſtoppe you from ſo neceſſarie a devvtie, and ſo comendable before God and the worlde. Ye beſt knovve that amonge all the princelie ornamétes and vertues in your Quene, her mercie and clemencie are ſinguler and peereleſſe: She ſeamethe vvell to haue learned that leſſon of the ghoſpell. Yf thy brother do offende the forgeve him not onelie, ſeaven times, but ſeventie times ſeaven times. She vvill not onelie forgeve, but forgett alſo. She neither ys ignorante in vvhat ſtate her realme ſtandethe in, nor that extreame ſeveritié, from the vvhiche ſhe naturallie abhorrethe, ys not of all other times nowe againſt ſuche, as vvill imbrace mercie offered them to be ſhevved and practiſed. She vvill rather like the lawe of ἀμνηστίας oblivió ád forgetfulnes, ſo muche of the olde Writers comended. The greate benefitt wherof ye haue ſo often, ád ſo abódantlie receaved

*The Quene of Scotts full of mercie.*

at her hands. And therefore ye neade the leſſe to feare the diſcontinuance of your highe and honorable eſtate and condition. As for shame yt ſtãdeth in the euill doinge yt ſelf, and not in the amendinge and reforminge of yll deeds, vvhiche amendemente and reformation, yf ye erneſtlie and trevvlie minde, yt vvilbe to the greate contentation of your moſt gratiouſe Quene, and of all her louinge ſubiects. And in ſo doinge you shall bothe highelie auance your honorable eſtate and eſtimation, ãd make her a good amends for that, vvhich ys paſte, ãd can not be reuoked. But on the other ſide, yf ye geue ouer and refuſe this occaſion novve preſente, and goo forevvarde vvith your rebelliouſe entrepriſes and attemptes, mindinge to abide and trie the vttermoſte, ye moſte vvilfullie cut avvaye and exclude from your ſelf all good hope of mercie and pardon, and take a vvronge vvaye for your ovvne ſauftie and preſeruation. For your cauſe ys navvght, and ſo ye vvell knovve yt to be. And therefore can ye not loke to haue and obtaine a good proſperouſe ſucceſſe and ende therof. Well ye maye, as hitherto ye haue done, toſſe, turmoile ãd tumble all things vpſide dovvnevvards for a while

vvhile: But be ye aſſured that gods hande Will fall ād light the heuier, ād With a greater paiſe vpō you at the lengthe therefore. Yt ys eaſie to be ſeen by the courſe of all times, as vvell by your ovvne verye hiſtories at home, as by the cronicles of all other nations abrode, to vvhat ende commonlie ſuche ſeditiouſe conſpiracies and treaſons do come to: that ys to the vtter ouerthrowe and confuſion for euer of theis pſons that vvorke, attempt, practiſe, or mainteine the ſame. They ſeame for a vvhile to beare greate ſvvaye, and all the vvorlde for a vvhile to rūne vvith them. But in the ende they fayle and are cleane geauē ouer. What meruaile were yt yf a hovvſe ſhoulde not longe continevve, that ys builded but vpon a yeldinde ſandie grovvnde? Ye haue builded ād fovvnded all your doinges vpō vntrue and lienge ſlaunders and treacherouſe treaſons, againſt your dreade Souereigne. The ſincere veritie vverof vve haue herein trevvlie declared. The vvhiche beinge ons throvvghlie detected, ād euidētly knovven to ſuche, as ye haue in Scotlande craftelie abuſed ād ſhamefullie circumuēted (as ſuerlie yt dailie burſtethe ovvte more and more) ye ſhall ſo your ſelf ſodenlie lefte naked, ād quite forſaken,

*The ende of rebelles euer vnhappie.*

ſaken, eauen of thoſe, vvho haue bene your greatteſt aſſiſters, aiders, and furtherers. For as the olde prouerbe ys, truthe ys *the* Dauvghter of time. And as ye ſhalbe lefte alone at home, ſo can ye not loke ſo maintenance and vpbearinge of forraine Princes. They vvill nor defyle them ſelues, and theire honorable vocation, vvithe helpinge ſo' fovvle a cauſe, and ſo daungerouſe and perilloufe a matter, that maye tende to the moleſtation and hurte, not onlie of *th*eire ovvne ſtate, but of the ſtates of all kinges chriſtened. Naye ye muſte rather thincke, that other Princes vvill iudge and take yt to tovvch*e* them to nighe, to ſuffer ſuche a villainie to paſſe and eſcape vnreuenged, and ſo good a ladye to be lefte deſtitute and deſolate. The emperour vvill not beare yt: France vvill not beare yt, Spaine vvill not beare yt: And eſpeciallie our noble Quene of Englande vvit*h* her vvorthie nobilitie vvill uot beare or ſuffer ſuch*e* outragiouſe dealinges, againſt her next louinge neighbour, and deare ſiſter, yea againſte the heire apparenre of this moſt noble realme. Albe yt that ye vvith*e*

*Other Prĩces vvill not ſuffer the Quene of Scottes to be iniuried by her ſubiectes.*

your

your ſurmiſed lies, the better to mainteine your vſuped and nevve erected kingedome, make her to be in feare of her ovvne ſtate in caſe ſhe ſhoulde reſtore the ſaide innocente Quene to her crowne agayne.

* *
*

The ende of the firſte booke.



*The second Book made by Morgane xx Phillipes bacheler of Deuinetie and xx assisted wt ye aduise of Anthony Browne Knight one of ye Justices of ye Comone Pleas An°. 1567. /.*

# THE SECONDE BOOKE TOWCHINGE the right title and intereſt of the foreſaide Ladie Marie Quene of Scotlande, to the Succeſſion of the crowne of Englande.

THE greate providence (good Reader) of the eternall God, who of nothinge created al thinges, did not onlie create the ſame by his ineffable povver, but by the ſame power gaue a ſpeciall gifte and grace alſo to euerie livinge thinge, to cõtinevve, to renevve, and to preſerue eche hys ovvne kinde: But in this conſideration the condition of man amõge and aboue all earthlie thinges hathe his peerleſſe prerogatiue of vvitt and reaſon, vvhere vvithe he onlie ys of God gratiouſlye endewed and adorned: By the which he dothe ꝓvide not onlie for hys preſẽte neceſſitie and ſavegarde (as do alſo naturalie after theire ſorte all beaſtes & all other lyuīge thynges voide of reaſon) but alſo by pregnancie of wytt, and

*Man only hath the ꝓrogatiue of witt & reaſõ amõge all earthely creatures.*

and reaſonable diſcourſe, doth longe afore foreſee the dangerouſe perilles that manie yeares after maye happē, either to him ſelf, or to hys contrey: And then by diligence and carefull proviſion dothe inuente apte and mete remedies, for the eſchevvinge of ſuche miſcheives, as might ovvtragiouſly aftervvarde occurre. And the greater the feare ys of greater miſcheif, the greater, the deaper and the ſpedier care ys vvonte to be taxen, to prēvente and cutt of the ſame. Yt ys alſo moſte certaine by the confeſſion of all the vvorlde, that this care ys principallie devve, by eche man that hathe oportunitie to do good therein to hys Prince, hys cōtry and to the comon vveale and good quiet of the cuntrey, for the continuance and happie prēſeruation of the ſame. To the prēſeruation vvherof, as there are manie partes and branches belonginge, ſo one principall parte ys for ſubiectes lovinglie ād reverētlie, to honour, dreade, and obedientlie to ſerue their Sovereigne, that chauncethe preſentlie to rule and governe. The next to forexnovve, to vvhom they ſhoulde beare theire alleageāce, after the deceſſe of theire fore ſaide Prince and gouernour. Whiche beinge ons certaine and aſſuredly knowen,

*Men are moſte boūde to the pſeruation of theire contrey.*

*A greate cōmoditye to the cōmō vveale to knovve the heire apparente.*

as yt procureth vvhen the time requirethe readie and ſeruiceable obediēce, vvithe the greate comforte and vniuerſall reſte and quietnes of the ſubiects: So vvhere, for the ſaide ſucceſſour there ys amonge them diſcorde and diuerſity of iudgemētes: the matter grovvethe to faction, and from faction to plaine hoſtilitie, and from hoſtilitie to the danger of many mens liues: And many times to the vtter euerſion of the vvhole ſtate. For the better auoidinge of ſuche and the like inconueniances (albe it at the beginninge princes reigned not by diſcente of bloude and ſucceſſion, but by choice and election of the worthieſte) the vvorlde was for the moſt parte cōſtrained to repudiate election, and ſo often times for the better and the vvorthier to take a certaine iſſewe and offſpringe of ſome one onlie perſon thowghe otherwiſe pchaunce not ſo mete. Whiche defecte ys ſo ſupplied partelie by the greate benefitte of the vniuerſall reſt ād quietnes that the people enioye therby, and partelie by the graue and ſage counſailours aſſiſtinge to princes. that the whole worlde in a manner theis manie thowſande yeares hathe embraced ſucceſſion by bloudd, rather then election. And politike

*vvhy all the world almoſt em brace ſucceſsion of Prīces, rather then election*

Princes

Princes vvhiche haue had no children of theire owne to ſuccede them, haue had ever a ſpeciall care and foreſight therof for avoi dinge of ciuill diſſention. So that the people might alwaies cheifely, Where there appeared any likelihodd of varietie of opinions or factions to enſewe abovvte the trevve and lavvfull ſucceſſion in gouernement, forknoue the trevve and certaine heire apparente. This care and foreſight dothe manifeſtlie appeare to haue bene not onlie in many Princes of forraine contreies, but alſo of this realme, aſwell before the time of the conqueſt, as alſo after, namely in kinge Edvvarde the confeſſour, in declaringe and appointinge Eadgare Athelinge his nephevves ſonne his heire, as alſo in kinge richarde the firſt vvho before he interpriſed his iorney to Hieruſalem (vvhere for his chiualrie he atchiued highe honour) declared, by conſente of his nobilitie and commons, Arthur ſonne of his brother Duke of Británe his next heire in ſucceſſion of the crowne. Of the which Arthur as alſo of the ſaide Eadgare athelinge, vve vvill ſpeake more hereafter. This care alſo had kinge Richarde the ſeconde vvhat

*Floreshiſt. an. 1057.*

*Richardus canonicus ſanctæ trin. Lõd. flores hiſto. anno 1190. Polid. lib. 14.*

time by authoritie of parliamente, he declared the lorde Edmonde Mortimer that maried Philippe davvghter and heire to his vncle Leonell Duke of Clarence heire apparente. And to diſcende to later times, our late noble Souereigne kinge Henrye the eyght ſhevved his prudente and zelous care in this behalf before his laſte noble viage into France: Whoſe davvghter our moſte dreade Souereigne Elizabeth dothe and hathe ſitt in the royall ſeate vvith ſuche peace, quietnes, and tranquilitie amõge all her ſubiects hitherto, that vve haue greate cavvſe to rẽder to God almighty our moſte hartie thancks for the ſame: And to craue of him like continuance, vvherof the ſinguler fruite & benefitt, as lõge as it ſhall pleaſe God to preſerue her to vs: Whiche vve moſte humble ſuppliãtes deſier of him for manie yeares, vvith ſome happie iſſevve frõ her grace (yf it be his bleſſed vvill) vve hope moſt fortunatelie to enioye. But yf God ſholde (as vve be all aſwell Princes as others ſubiecte to mortall chaunces) once bereaue vs of our gratiouſe Prince, the harts ād iudgemẽts of men beinge no better, nor more firmelie ſetled and fixed tovvards the expectation of a certaine ſucceſſion, then they

Polid. lib. 20.

ſeame

ſeame nówe to be: then vvo and alas: Yt yr-kethe my verie harte, eauen ons to thincke vpon the imminẽte and almoſt the ineuitable danger of this our noble realme, beinge like to be ouervvhelmed vvith the raginge and roringe vvaues of mutuall diſcorde, ād to be conſumed with the terrible fier of ciuill diſſention. The feare vvherof ys the more, by reaſon alredie in theis late yeares, ſome flames therof haue ſparkeled and fluſſhed abrode, and ſome parte of the rage of the ſaide fluddes hat alredie beaten vpon the banckes. I meane the hott contention that hathe bene therin in ſo manie places, and amonge ſo manie perſons: of bookes alſo, that haue bene ſpredd abrode, and dailie are ſpredd, beinge framed affectionatelie, ād ſovvndinge according to the ſiniſter opinion of euerie mans priuate appetite. Seinge therefore that there ys iuſte cauſe of feare and of greate dāger likelie to happen by this varietie of mens iudgements ſo diuerſelie affected, as vvell of meane men as of greate pſonnages: I take yt the parte of euerie trevve engliſheman to labour and trauaile eache man for his poſſibiljtie, and for ſuche talente as God hathe geauen him to helpe in conueniēt time for the preuen-

tinge

tinge of the imminent danger: We knovve what witt, vvhat pollicie, what paines, vvhat charges men imploye to prouide, that the Themmes or ſea do not ouerflovve ſuche places as be moſt ſubiecte to danger: We knovve vvhat politicke prouiſion ys made in manie good cities and townes, bothe to foreſee that by negligence there riſe no dangerouſe fiers, and yt they chaunce, vvith all diligence to repreſſe the rage therof. Wherin amõge other hys prudente doings, Auguſtus the Emperour, ys commended for appointinge at Rome ſeaven companies ordinarilie to watche the Citie, for the purpoſe afore ſaide: Whervnto he was enduced by reaſon the citie was in one daie in ſeaven ſeverall places ſett on fier. And ſhall not we euery man for hys parte and vocation haue as vigilante care and reſpecte, to the extinguiſshinge of this fier alredie ſpronge owte, that maye (yf the matter be not wiſelie foreſeen) deſtroie, ſubverte and conſume, not one citie only, but importe an vniuerſall calamitie and deſtruction? Whiche to repreſſe one redie and good waye ſeamethe vnto me, yf men maye knowe and be throvvglie perſvvaded, in what perſon the right of the

ſucceſſion

ſucceſſion of the crowne of this our realme doth ſtande and remaine. For nowe many men throwghe ignorance of the ſaide right and title, and alſo the ſame beinge depraved by certaine ſiniſter perſwaſiõs in ſome bookes, wher vnto they have to lightlie geaven creditt, be caryed awaye from the right opinion and good harte, that they otherwiſe Wolde and ſhoulde haue. The which kinde of men I do hartelie wiſhe from theire ſaide corrupte iudgement to be remoued: And ſhall in thys treatiſe do my beſte endevour to remoue, not preſuminge vpon my ſelf, that I am any thinge better able then others this to do. (for I knowe my owne infirmitie) But beinge gladd and willinge to imparte vnto others ſuche motiues (as vpon the readinge of ſuche bookes) as of late haue bene ſett forthe by the aduerſaries, and after the diligente weienge of diuers Arguments to the contrarie, ſeame vnto me ſufficiente to ſatiffie any honeſt and indifferent man, that ys not obſtinatlie bente to his owne Wilfull affections, or to ſõme other ſiniſter meaninge and dealinge. We ſaye then and affirme that the right heire

and

and Succeſſor apparente vnto the crowne of this realme of Englande next after our Sovereigne Ladie Quene Elizabethe and her iſſue, ys ſuche a one as for the excellẽte giftes of God and nature in her moſt princelie appearinge, ys vvorthie to inherite either this noble realme, or any other, be yt of muche more dignitie and worthines. But nowe I claime nothinge for the vvorthines of the perſon, whiche God forbidd ſhoulde be any thinge preiudiciall to the iuſte title of others: yf moſte open and manifeſte right, Iuſtice, and title do not cõcurre with the worthines of the perſon: Then lett the praiſe and Worthines remaine where yt ys, And the right Where God and the lavve hathe placed yt. But ſeinge God, nature and the lavve dothe call the perſon to this expectation, whoſe intereſte and claime I do novve proſequute (I meane the right excellente Ladie, Ladie Marie Quene of Scotlande) I hope that when her right and iuſte title ſhall be throwghlie harde and conſidered by the indifferente Reader, yf he be perſvvaded alredie for her right, he ſhall be more firmelie ſetled in his trevve and good opinion, and that the other parties beinge

*The Quene of Scots is the right heire apparẽte to the crovvne of Englande.*

beinge of a contrarie minde ſhall finde good cavvſes and grovvndes, to remoue them from the ſame, and to geaue ouer and yelde to the trevvthe. Her graces title then (yf God call our Souereigne ovvte of this tranſitorie life, hauinge no iſſue of her maieſties bodye) as yt ys moſte open and euidende, ſo yt ys moſte conformable, to the lavve of God, of nature, and of this realme: And conſequentlie in a manner of all other realmes in the vvorlde, as grovvinge by the neareſte proximitie of the royall bloude. She ys a kinges and a Quenes davvghter, her ſelf a Quene, Davvghter to the late kinge Iames of Scotlande ſonne to ladie Margarett the eldeſt ſiſter to our late Souereigne kinge Henrie the eight. Whoſe Davvghter alſo the ladie Lenoux ys, but by a later huſbande. The ladie Frances late vvyfe to Henry Marques dorſett aftervvarde Duke of Suffoocke: And the ladie Elenour late vvyfe to the Erle of Cumberlande, and theire progenye procedethe from the ladie Marie dowager of France yongeſt ſiſter of the ſaide kinge Henrie, late vvife to Charles Brandon Duke of Suffolke. I might here ferche

fortho

forthe olde farne dayes. I might reache backe to *the* noble and vvorthie kinges longe before the conqueſte, of vvhoſe royall bloude ſhe ys discended, vvhiche ys no parte of our purpoſe, neither dothe enforce her title more then to proue her no ſtranger vvithin this realme. But the argumentes and proufes which vve meane to alleage and bringe forthe for the confirmation of her right and title in ſucceſſion, (as heire apparente) to the crovvne of Englande, are gathered and grovvnded vpon the lavves of God and nature, and not onlie receaued in the ciuill pollicies of other nations, but alſo in the olde lawes and cuſtomes of our ovvne contrey, by reaſon approued, and by vſe and longe concontinevvance of time obſerued, from the firſte conſtitution of this realme in politicall order vnto this preſente daye. And yet for all *that*, hathe yt bene ād yet ys by ſome men attempted, artificiallie to obiecte and caſte manie miſtie darke clovvdes before mēnes eyes, to kepe from them (yf yt maye be) the cleare light of the ſaide iuſte title, the vvhiche they vvolde extingvviſhe, or at the leaſte blemiſhe withe ſome obſcure ſhadovve of lavve. But in deede againſt the lavve,

lawe, and vvith the ſhadowe of parliamẽts? But in deede againſt the trewe meaninge of the pliamẽtes. And albe it, yt were inowghe for vs (our cawſe beinge ſo firmelie ād ſuerlie eſtabliſhed vpō all good reaſon ād lawe) to ſtande at defence and onlie to auoide (as eaſelie vve maye) theire obiections, Whiche principallie and cheifelie are grovvnded vpon the common lawes and ſtatutes of this realme: yet for the betteringe ād ſtrengtheninge of the ſame, vve ſhall laye forthe ſondrie greate ād inuincible reaſons cōioyned vvithe good and ſufficiēt authoritie of the lawe, ſo approued and cōfirmed that the aduerſaries ſhall neuer be able iuſtlie to impugne them. And ſo that vve truſte, after the readinge of this our treatiſe, ād the effectes of the ſame vvell digeſted no manner of ſcruple owght to remaine in any indiferent mans harte concerninge her right and title. Whoſe expectatiō ād cōſcience althovvghe we truſte fullie in this diſcourſe to ſatiſfie, ād doubte nothinge in the vvorlde of the rightfulnes of our cauſe: Yet muſt we nedes cōfeſſe the māner ād forme to ētreate therof, to be full of difficultie ād pplexitie For ſuche cauſes of Princes, as they be ſel-lome and rare, ſo ys yt more rare and ſtange to

finde

finde them diſcourſed diſcuſſed and deter-
mined by any lawe or ſtatute. Albe it nowe
and then ſome ſtatutes tende *th*at vvaye.
Neither do our lavves nor the corps of the
Romaine and ciuill lavve lightlie medle
With *th*e princely gouernemente, but vvith
priuate mens cauſes. And yet this not with-
ſtandinge for the better iuſtifienge of our
cavvſe, albe yt I denye not, but that by the
cõmon lavve yt muſte be knovven vvho
ovvght to haue the crovvne: And that the
cõmon lavve muſte diſcerne *th*e right af-
well of the crowne as of ſubiects: Yet I ſaye
that there ys a greate difference betvvene
the kinges right ãd the righ*t* of others. And
that the title of the crovvne of this realme
ys not ſubiecte to the rules and principles
of the cõmon lavve of this realme as to be
ruled and tried after ſuche order and courſe
as the inheritance of priuate perſonnes ys
by the ſame. For the prouf wherof let vs
conſider What *th*e comon lavve of *th*is re-
realme ys, and howe the rules therof be
grownded, and do take place. Yt ys verie
manifeſte and plaine, *th*at the comon lawe
of this realme of Englande, ys no lawe
Writtẽ, but grovvnded onlie vppõ a cõmon
and generall cuſtome throvvghe ovvte the

*The cõmõ lavve of this realme ys rather groũded vpon a generall cuſtome then any lawe writ ten.*

vvhole

vvhole realme as apparethe by the treatiſe of the auncientte and famous vvriter vpon the lavves of the realme named RANVLPHVS DE GLANVILLA. Who wrote in the time of the noble kinge Henrie the ſecõde, of the lavve and cuſtome of the realme of englande: Beinge then and alſo in the time of the reigne of kinge Richarde the firſt, the cheif counſailler and iuſtice of the ſame kinge. And alſo by the famous Iuſtice Forteſcue in his booke which he wrote beinge Chancellour of Englande, *De laudibus legum Angliæ.* And by 33,H.6: 51,and by 8.E.4.19.Which cuſtome by vſage and cõtinuall practiſe heretofore had in the kinges covvrtes vvithin this realme ys onlie knovven and mainteined: Wherein we ſeame muche agreable to the olde lacedemoniãs, vvho manie hundred yeares paſt,moſt politikelie and famouſelie gouerned theire common vvealthe vvith lawe vnvvritten. Whereas amonge the Athenienſes,the written lavves beare all the ſvvaye. This thinge beinge ſo trevve, that vvithe any reaſon or good authoritie yt can not be denied: then vve are farther to conſider vvhether the kinges title to the crovvne can be examined, tried, ãd ordered by this common cuſ-

In prologo ſuo cuiuſdã libri fol. 1. & 2.

De dicto Ranulpho Glanuilla vide Geraldũ Cãbrẽſem in Topogra. de vvallia.

Forteſcue de laud.legum Angliæ.ca.17

8.E.4,19, 33.H.6,51 pĩſõs printe.

Iuſti. dẽ iure natural.gent & ciuil 55.ex non ſcript.

tome or no. Yf ye ſaie yt maye, then muſte ye prove by ſome recorde *that* yt hathe bene ſo vſed. Otherwiſe ye onlie ſaie yt & nothinge at all prove yt. For nothinge can be ſaied by lawe to be ſubiecte to any cuſtome, vnleſſe the ſame hathe bene vſed accordinglie, and by force of the ſame cuſtome I am well aſſured, that you are not able to proue the vſage and practiſe therof by any recorde ī any of the kinges cowrtes. Yea I will farther ſaie vnto you and alſo proue yt, that there ys no one rule generall or ſpeciall of *the* cōmon lawe of this realme, Which ye either haue ſhewed or can ſhewe, that hathe bene taken by anye iuſte conſtruction, to extende vnto or binde the kinge or his crowne. I will not denie, but that to declare and ſett forthe the prerogatiue and Iuriſdiction of the kinge ye maye ſhewe manie rules of the lawe: But to binde him (as I haue ſaide) ye can ſhewe none. Ye ſaie in your booke that yt ys a maxime in our lawe moſte manifeſte, that Who ſo ever ys borne owte of Englande, and of father and mother not beinge of the obediēce of the kinge of Englande, can not be capable to inherite any thinge in England. Whiche rule beinge generall withowte any

*The aduerſaries haue ſhewed no rule of the cōmon lawe that bindethe the crowne.*

wordes

Wordes of exceptiõ, ye alſo ſaie, muſte neds extende vnto the crovvne. What you meane by your lavve, I knovve not. But yf you meane (as I thincke you do) the common lawe of Englãde: I anſuere there ys no ſuche maxime in the cõmon lavve of this realme of Englande, as hereafter I ſhall manifeſtlie prove. But yf yt vvere for arguments ſake admitted for this time that yt be a maxime, or generall rule of the cõmon lavve of Englande, yet to ſaie that yt ys ſo generall, as that no exceptiõ cã be takẽ againſt the ſame rule, ye ſhevve your ſelf either ignorante, or elſe verie careleſſe of your credit: For it doth plainlie appeare by the ſtatute of 25. E. 3. (beinge a declaratiõ of that rule of the lawe which I ſuppoſe ye meane) terminge yt a maxime, that that rule extendethe not vnto the kinges children. Whereby yt moſte euidẽtlie appearethe, that yt extẽdeth not generallie to all: And yf yt extẽde not to bĩde the kinges childrẽ in reſpecte of any inheritance deſcẽded vnto thẽ frõ any of theire ancetours, yt ys an argumẽte a *fortiori*, that yt dothe not extẽde to bĩde the kĩge or his crowne. And for a ful & ſhorte anſwere to your authorities ſett forthe ĩ your marginall notes as 5. E. 3. tit. Aile. 13. E. 3. tit lre 31. E. 3. tit Co

25. E. 3.

5. E. 3. tit Ayle 13. E. 3. tit lettre 31. E. 3. tit Co-

tit. Coſon 42.E.3,fo. 2,22.H.6 fol. 43,11. H.4.fo.23 & 25.litle-tō cap. vilenag.

Coſon 42. Edw.3. fol.2,22. H.6. fol.42,11. H.4.fol 23.& 24.litlet.ca.vilenag. Yt maye plainlie appeare vnto all that vvill reade ād peruſe thoſes bookes, that there ys none of them all that dothe ſo muche as with a peece of a worde or by any colour or ſhadowe ſeame to intēde,that the title of the crowne ys bovvnde by that your ſuppoſed generall rule or maxime. For euerie one of the ſaide caſes argued and noted in the ſaide booke, are oneli concerninge the diſhabilitie of an alien borne and not deniſen, to demaunde anylandes by the lawes of the realme by ſuyte and action onlie,as a ſubiecte vnder the kinge, and nothinge tovvchinge any diſhabilitie to be layed to the kinge him ſelf or to his ſubiectes.Is there any controuerſie abovvte the title of the crowne by reaſon of any ſuche diſhabilitie towched in any of theis bookes? No verelie not one vvorde I dare boldlie ſaye,as maye moſt manifeſtlie appeare to them that vvill reade and perviſe thoſe bookes. And yet ye are not aſhamed to note them as ſufficiente auctorities for the maintenance of your evill purpoſe and intente. But as ye vvolde ſeame to vnder ſtande,that your rule of diſhabilitie ys a generall maxime of the lawe,ſo me thincketh

*The aduerſaries caſe pteinethe to ſubiects onlye.*

ye

ye ſhoulde not be ignorante, that yt ys alſo as generall, yea a more generall rule ād maxime of the lawe, that no maxime or rule in the lavve can extende to binde the kinge or the crovvne, vnleſſe the ſame be ſpeciallie mentioned therein, as maye appeare by diuers principles and rules of the lawe, which be as generall as is your ſayed ſuppoſed maxime, ād yet neither the kīge nor the crowne is by any of them bownde. As for exāple, yt ys very plaine that the rule of the tenante by the curteſie ys generall vvithovvte any exception at all. And yet the ſame binde the not the crovvne, neither dooth extende to geue any benefitt to him that ſhall marye the Quene of englande. As yt vvas plainlie agreed by all the lavvyers of this realme, vvhen kinge Phillippe vvas maried vnto Quene Marie, Althovvghe for the more ſuertie and plaine declaration of the intentes of kinge Philippe and Quene Marie, and of all the ſtates of this realme, yt vvas enacted, that kinge Philippe ſhoulde not claime any title to be tenante by the curteſie. Yt ys alſo a generall rule, that yf a man die ſeaſed of landes in fee ſimple vvithe ovvte iſſevve male, hauinge diuers davvghters: the lande ſhall be equallie deuiſed amōge the dawgh-

*No maxime of the lawe bindethe the crovvne, vnles the crovvne ſpecially be named.*

I

*Of the tenante by the curteſie.*

2 *Nor that the landes ſhalbe deuided amõges the doughters*

ters. Whiche rule the learned men in the lavves of this realme agreed vpõ in the life of the late noble Prince Edvvarde, and alſo euerie reaſonable man knowethe by vſage, taketh no place in ſucceſſiõ of the crowne, for there the eldeſte enioieth all, as thowghe ſhe vvere iſſevve male. Likevviſe yt ys a ge-

3 *Nor the wife ſhall haue thẽ thirde pte.*

nerall rule that the wife after the deceaſe of her huſbande ſhalbe indevved and haue the thirde parte of the beſte poſſeſſion of her huſbande, and yet yt ys verie clere that the Quene ſhall not haue the thirde parte of the lãdes belogĩge to the crowne as appeare the in 5, E. 3, tit prẽrogat. 21: E. 3: 9 & 28 H 6. ãd diuers other bookes. Beſids that the rule of *Poſſeßio fratris*, beĩge gñrall, Neither hathe bene or cã be ſtretched to the inheritãce of the croune, for the brother of the half bloud ſhall ſuccede ãd not the ſiſter of the vvhole bloud, as maye appeare by Iuſtice Moile, ãd maie be pued by kinge Etheldred brother ãd ſucceſſor to kinge Edwarde the Martyr, and by kinge Edvvarde the confeſſour brother to kinge Edmũde, ãd diuers others who ſucceded in the crovvne of Englãde, beinge but of the halfe bloud. As vvas alſo the late Quene Marie, ãd ys at this preſent our gratious Souereigne Elizabethe. Who bothe

5, *E.3, tit. prarogat.* 20, 21. *E.* 3, *fo* 13. 9. H. 6., *f.* 12 & 52. 28. *H.6, fo.* 15. *Red. prĩte.*

4 * *Nor the rule of poſſeſſ. fratris &c.*

†34 H. 6. 58. *Red. printe.*

in

in all recordes of our lavve vvherin theire ſeuerall rightes and titles to the crovvne are pleaded (as by daylie experience well in the exchequer, al alſo in all other covvrtes ys manifeſte) do make theire conueiance as heires in bloude the one to the other, vvhiche yf they vvere cõmon or priuate perſones they coulde not be allovved in lavve, they (as ys vvell knowen) beinge of the half bloude one to the other, that ys to vvitt, begotten of one father but borne of ſondrie mothers. Yt ys alſo a generall rule in the lavve, that the executours ſhall haue the goodes ād chattelles of the teſtatour and not the heire, ād yet ys yt otherwiſe in the caſe of the crovvne, for there the ſucceſſor ſhall haue them and not the executour, as appearethe in 7, H. 4, by Gaſcoine. Yt ys likevviſe a generall rule, that a man Attainted of felonie or treaſon, his heire throwghe the corruption of bloude, vvithoute pardon and reſtitutiõ of bloude, ys vnable to take any landes by diſcente. Which rule althowghe yt be generall, yet yt extendethe not to the diſcente or ſucceſſion of the crovvne, althovvghe the ſame Attainder were by acte of pliamẽte as maie appeare by the Attainder of Richarde

*Nor that the executour ſhall haue the goodes and chatelle of the teſtatour.* 7 *H.* 4 *fo.* 43, 11 *H.* 4, 9.

*Nor that a traitour is vnhable to take land, by diſcẽt & without pardon.*

Duke of yorke and kinge Edvvarde his ſonne, and alſo of kinge Henrie the ſeauēthe, whoe were attainted by acte of parliamente, and never reſtored, and yet no diſhabilitie thereby vnto Edvvarde the fovvrethe, nor vnto Henry the ſeaventhe to receave the crovvne by lavvfull ſucceſſion. But to thys you wolde ſeame to anſvvere in your ſaide booke, ſaienge that Henry the ſeaventhe not vvithſtandinge hys Attainder came to the crovvne, as caſt vpon him by the order of the lawe. For as muche that vvhen the crovvne vvas caſte vpō him, that diſhabilitie ceaſed. Wherein ye confeſſe directlie, that the Attainder is no diſhabilitie at all to the ſucceſſiō of the crovvne. For althovvghe no diſhabilitie can be alleaged in him that hathe the crovvne in poſſeſſion, yet yf there vvere any diſhabilitie in him before to receaue and take the ſame by lavvfull ſucceſſion, then muſte ye ſaie that he vvas not lavvfull kinge but an vſurper. And therefore in confeſſinge Henrye the ſeaventhe to be a lavvfull kinge, and that the crovvne vvas lavvfullie caſte vpon hym, ye confeſſe directlie thereby that before he was kinge in poſſeſſion, there vvas no diſhabilitie in hym to take the crovvne

by

by lavvfull ſucceſſion, hys ſaide Attainder not vvith ſtandinge: Whiche ys as muche as I vvolde vviſhe you to graunte. But in conclu-ſion, vnderſtandinge your ſelf, that this your reaſon can not mainteine your intente: you go abovvte an other vvaye to helpe your ſelfe, makinge a difference in the lavvbetvvene the caſe of Attainder, and the caſe of forren birthe ovvte of the kinges allegeance: ſainge, that in the caſe of the Attainder neceſſitie dothe enforce the ſucceſſion of the crovvne vpon the partie attainted: For othervviſe ye ſaie the crovvne ſhall not deſcende to anye. But vpon the birthe ovvte of the kinges allegeance, ye ſaie yt ys othervviſe. And for prouf therof ye put a caſe of I. S. beinge ſeaſed of landes, and havinge iſſevve A, and B. A, ys attainted in the life of I. S. his father, and after I. S. diethe, A living vnreſtored. Novvthe lande ſhall not deſcende either to A, or B. But ſhall goe to the lorde of the fee by vvaye of eſchete. Othervviſe yt had bene (ye ſaie) yf A, had bene borne beyonde the ſea. I. S. breakinge his allegeance to the kinge, and after I. S. cometh againe into the realme, and hathe iſſevve B. and diethe, for novve (ye ſaie) B. ſhall inherite hys fathers landes. Yf the crowne

*An anſvvere to the aduerſarie mainteining a difference betvvene atainder & birthe ovvte of the allegeance.*

crowne had bene holden of any perſon, to whom yt might haue eſchete, as in your caſe of I, S. the lande did. Then paraduenture there had bene ſome affinitie betwene your ſaide caſe, and the caſe of the crowne. But there ys no ſuche matter. Beſides that, ye muſte conſider, that the kinge cometh to the crovvne not onlie by diſcente, but alſo and cheifelie by ſucceſſion, as vnto a corporation: And therefore ye might eaſelie haue ſene a difference in your caſes betvvene the kinges Maieſtie and I, S. a ſubiecte: And alſo betwene landes holden of a lorde above, and the crowne holden of no earthlie lorde, but of God almightie onlie. But yet for argumentes ſake, I wolde faine knowe vvhere you finde your difference, and vvhat authoritie you can ſhevve for the proof therof. Ye haue made no marginall note of any authoritie: And therefore vnleſſe ye alſo ſaie, that ye are Pythagoras, I vvill not beleve your difference. Well I am aſſuered, that I can ſhewe you good authoritie to the contrarie, And that there ys no difference in your caſes. Perviſe I praie you. 22. H. 6. and there maye you ſee the opinio of Iuſtice Newto, that there ys no difference in your caſes, but that in bothe your caſes

22. H. 6. fol. 43.

the

the lande ſhall eſchete vnto the lorde. And Priſote beinge then of counſaile with the partie that claimed the landes by a diſcente: Where the eldeſte ſonne was borne beyonde the ſeas, durſte not abide in lawe vpon that title. This authoritie ys againſte your difference, and this authoritie, I am well aſſuerid ys better, then any that you haue ſhewed to proue your difference. But yf we ſhall admitt your difference to be accordinge to the lawe, yet your caſes, Whervnto you applye your differēce are nothīge like, as I haue ſaiede before. But to procede on in the proof of our purpoſe, as yt dothe appeare, that neither the kīge, nor his crovne ys bownde by theys general rules which before I haue ſhewed: So do I like wiſe ſaie of all the reſidewe of the generall rules ād maximes of the lawe, beinge in a mānet infinite. But to retorne againe vnto your onlie ſuppoſed Maxime, whiche you make ſo generall cōcerninge the diſhabilitie of perſōs borne beyonde the ſeas: yt ys verie plaine, that yt was never taken to extēde vnto the crovne of this realme of Englāde, as yt maie appeare by kinge Stephē, & by kinge Hērie the ſecōde, whowere both ſtrāgers & Frēchmē. And borne oute of the kīges allegiāce, and

*The ſuppoſed maxime of the adv ſaries touchethe not kinges borne beyōde the ſea, as appeareth by kinge Stephen, and kīge H. 2.*

and neither vvere they the kinges children immediate nor theire parētes of the allegiance, And yet they haue bene alwayes accompted lawfull kinges of Englande, nor theire title vvas by any man at any time defaced or comptrolled for any ſuche conſideration or exceptiō of forren birthe. And yt ys a worlde to ſee, howve you vvolde ſhifte your handes from the ſaide kinge Henrie. Ye ſaie *he* came not to the crovne by order of the lavve, but by capitulatiō or agrement, for as muche, as his mother by whome he conveied hys title vvas then livinge. Well admitt that he came to the crowne by capitulation duringe his mothers life. Yet this dothe not proue that *he* vvas diſhabled to receaue the crovvne, but rather proveth his abilitie. And althovvghe I did alſo admitt, that he had not the crovvne by order of the lavve duringe his mothers life, yet after his mothers deathe no man hathe hytherto dovvbted, but that he vvas kinge by lavvfull ſucceſſion, and not againſte the lavves and cuſtomes of this realme. For ſo might you putt a dovvbte in all the kinges of this realme: that ever gouerned ſithens, and driue vs to ſeake heires in Scotlande or elles where, whiche thinge we ſuppoſe you

*The aduerſaries obiectiō touchinge kinge H. 2. avoided.*

are

are over vviſe to goo abowte. Beſides this I haue harde ſome of the adverſaries for farther helpe of theire intention in this matter ſaie that kinge Henrie the ſeconde vvas a Quenes childe, and ſo kinge by the rule of the common lavve. Trevvlie I knovve, he vvas an Empreſſe childe, but no Quene, of Englandes childe. For althovvghe Mavvde the Empreſſe his mother had a right and a good title to the crovvne and to be Quene of Englãde: Yet vvas ſhe never in poſſeſſiõ, but kept from the poſſeſſion by kinge Stephen: And therefore kinge Henrye the ſeconde can not iuſtlie be laide to be a Quene of Englandes childe, nor yet any kinges childe, vnleſſe ye wolde intende the kinges children by the wordes of infantes de Roy &c. to be children of farder degree; ãd diſcended fom the right line of the kinge: ſo ye might ſaie trevvlie that he vvas the childe of kinge Henrye the firſte, beinge in dede the ſõne and heire of Mavvde the Empreſſe, davvghter and heire of kinge Henrie the firſte. Whereby your ſaide rule ys here fovvlie foiled. And therefore ye Wolde faine for the maintenance of your pretenſed maxime, catche ſome holde vppõ Arthure the ſonne of Ieffrey one of the ſonnes

*As tovvchinge Arthure kinge Richardes nephewe.*

Vt autem pax iſta, & ſumma dilectio tam multiplici q̃ arctiori vinculo cõnectat', p̃dictis curię veſtrę magnatib', id ex prevĩa tractãtib' (dñodiſponẽte) condixim' inter Arthurum egregiũ ducem Britannię, nepotẽ noſtrũ & heredẽ ſi fortè ſine ꝓle obiie nos cõtigerit, & filiã veſtrã matrimoniũ cõtrahendũ. &c.

ſonnes of the ſaide Henrie the ſeconde. Ye ſaye then like a good and iolie antiquarie, that *he* vvas reiected from the crovvne, by cauſe he vvas borne ovvte of the realme. That he vvas borne ovvte of the realme ys verie trevve, but that he was reiected from the crovvne for *that* cauſe yt ys verie falſe. Neither haue you any auctoritie to proue your vaine opinion in this pointe. For yt ys to be ꝓued by the cronicles of this realme that kinge Richarde the firſt vncle vnto the ſaide Arthure, takinge his iorney tovvarde Hieruſalẽ, declared the ſaide Arthur (as vve haue ſhevved before) to be heire apparente *vnto the crowne: Whi*che* vvolde not haue bene, yf he had bene taken to be vnhable to receaue the crowne by reaſõ of forẽ birthe. And althovvghe kinge Iohan did vſurpe aſwell vpõ the ſaide kinge Richarde *the* firſte his eldeſt brother, as alſo vpon *the* ſaide Arthur his nephevve: yet that ys no proof, that *he* vvas reiected, by cauſe he vvas borne owte of the realme. Yf ye colde proue that, then had ye ſhewed ſome reaſon and preſidente to proue your intente, Whereas hitherto you haue ſheued none at all, nor

* *In tractatu pacis inter Rich. 1. & Tancredũ Regẽ Sicilię vid. Rog. Hoveden & Richar. canonicũ ſanctæ Trinitatis Londini.*

nor I am well aſſured ſhall euer be able to ſhewe. Thus maye ye ſe (gētle reader) that neither this pretenſed maxime of the lawe ſett forthe by the aduerſaries, nor a greate nōber more as generall as this ys (which before I haue ſheued) can by anye reſonable meanes be ſtretched to bīde the crowne of Englāde. Theis reaſons ād auctorities maye for this time ſuffice to proue that the crowne of this realme ys not ſubiecte to the rules and the principles of the common lawe, neither can be ruled and tried by the ſame. Whiche thinge beinge trewe, all the obiections of the aduerſaries made againſt the title of Marie the Quene of Scotlande to the ſucceſſiō of the crowne of this realme, are fullie anſwered, and thereby clierlie wiped awaye. Yet for farther argumentes ſake, and to the ende we might haue all matters ſifted to the vttermoſte and therby all thinges made plaine: Let vs for this time ſome what yelde vnto the aduerſaries, admittinge that the title of the crowne of this realme were to be examined and tried by the rules and principles of the common lawe, ād then lett vs conſider and examine farther, whether there be any rule of the common lawe, or elles ſtatute that by

good

good and iuſte conſtruction, can ſeame to impugne the ſaide title of marie the Quene of Scotlande or no. For tovvchinge her lineall deſcente from kinge Henrye the ſeauenthe, and by his eldeſte davvghter (as we haue ſhevved) there ys no man ſo impudēte to denie yt. What ys there then to be obiected? Amonge all the rules, maximes, ād iudgementes of the common lavve of this realme, onlie one rule as a generall maxime ys obiected againſt her: And yet the ſame rule ys ſo vntrevvlie ſett forthe, that I can not vvell agree, that yt ys any rule or maxime of the comon lawe of this realme of Englande. Your pretēſed Maxime ys, who ſoeuer ys borne ovvte of the realme of Englande, and of father ād mother not beinge vnder the obedience of the kinge of Englande, can not be capable to inheriteany thinge in Englāde, vvhich rule ys nothinge trevve but altogether falſe. For euerie ſtranger and alien ys able to purchaſſe the inheritance of landes vvithin this realme, as yee maye appeare in 7 & 9 of kinge Edvvarde the fovvrthe. And alſo in, 11, & 14, of kinge Henrie the fovvrthe. And altovvghe the ſame purchaſſe ys of ſome men accompted to be to the vſe of the kīge: Yet vntill ſuche time

*A falſe maxime ſet forthe by the aduerſarie.*

7.E.4.fol. 28.9.E.4. fo.5.11.H. 4.fol.25. 14.H.4.f. 10.

time as the Kinge be intitled thervnto by matter of recorde, the inheritance remaynethe in the alien by the opinio of all men: And ſo ys a verie alien capable of inheritance within this realme. And then it muſte nedes fall ovvte plainlie: that your generall maxime, vvhere vpon you haue talked and braged ſo muche, ys novve become no rule of the common lavve of this realme. And yf it be ſo, then haue you vttered very many vvordes to ſmall purpoſe. But yet let vs ſee farther vvhether there be any rule or maxime in the comon lavve that maye ſeame any thinge like to that rule, Whervpon any matter maie be gathered againſt the title of the ſaide Marie Quene of Scotland. There ys one rule of the comon lavve, in vvordes ſomevvhat like vnto that, vvhiche hathe bene alleaged by the aduerſaries. Whiche rule ys ſett forthe and declared by a ſtatute made An. 25. of Kinge Edwarde the thirde. Whiche ſtatute reciting the dovvbte that then vvas, Whether infantes borne ovvte of the allegiance of Englande ſhoulde be able to demaunde any heritage vvithin the ſame allegiāce or no? Yt vvas by the ſame ſtatute ordained, that all Infantes inheritours, Whiche after that time ſhoulde be borne

owte of the allegiance of the kinge, whoſe father and mother at the time of theire birthe, were of the faithe and allegiance of the kinge of Englande, ſhoulde haue and enioye the ſame benefittes and aduantages to haue ād carrie heritage within the ſaide allegiance, as other heires ſhoulde. Where vpon yt ys to be gathered by dewe, and iuſte conſtruction of the ſtatute, and ſo hathe bene heretofore cōmonlie taken, that the common lawe alwayes was, and yet ys, that no perſon borne owte of the allegiance of the kinge of Englande, whoſe father and mother were not of the ſame allegiance, ſhoulde be able to haue or demaunde any heritage within the ſame allegiance as heire to any perſon. Whiche rule I take to be the ſame ſuppoſed maxime, whiche the aduerſaries do meane. But to ſtretche yt generallie to all inheritances (as the aduerſaries wolde ſeame to do) by anie reaſonable meanes cā not be. For (as I haue ſaied before) euery ſtrāger and alien borne, maye haue and take inheritance as a purchaſſer. And if an alien do marrie a woman inheritable, the inheritance therby ys bothe in the alien, and alſo in his wife: And the alien therby a purchaſſer. No man dowbteth but

*The ſtatute of Edvvard 3. anno 25. touchethe inheritāce and not purchaſſe.*

that

that a denizen maye purchaſſe landes to his owne vſe, but to inherite landes as heire to any perſon vvith in the allegiance of Englande, he can not by any meanes. So that yt ſeamethe verie plaine, that the ſaide rule bindethe alſo denizens, and dothe onlie extende to diſcentes of inheritance, and not to the hauinge of anie landes by purchaſſe. Nowe will we then conſider, whether this rule by any reaſonable cõſtruction can extende vnto the ladie Marie the Quene of Scotlande, for and concerninge her title to the crowne of Englãd. Yt hathe bene layed by the aduerſaries, that ſhe was borne in Scotlande, whiche realme ys owte of the allegiance of Englande, her father and mother not beinge of the ſame allegiance. And therefore by the ſaide rule ſhe ys not inheritable to the crowne of this realme. Althowghe I might at the beginninge verie vvell and orderlie denie the conſequente of your argumente: yet for this time we will firſte examine the antecedente whether yt be trewe or no: And then conſider vpon the conſequente. That the Quene of Scotlande was borne in Scotlande, yt muſt nedes be graunted, but that Scotlande ys owte of the allegiãce of Englãde, thowghe the ſaide Quene of Scotlande and all her

*11. H. 4. fol. 25.*

*Scotlande within the allegiãce of Englande.*

ſubiectes of Scotlande vvill ſtovvtely affirme the ſame: yet there are a greate nomber of men in Englande both learned and others that be not of that opinion, beinge ledd and perſvvaded there vnto by diuers hiſtories, regiſters, recordes, ād inſtrumētes of homage remaininge in the treaſurie of this realme, Wherin ys mentioned that the kinges of Scotlande haue acknovvledged the kinge of Englande to be the ſuperiour lorde ouer the realme of Scotlande, and haue done homage ād fealtie for the ſame. Whiche thinge beinge trevve (not vvithe ſtandinge yt be comonlie denied by all Scottes men) then by the lavves of this realme Scotlande muſte nedes be accompred to be vvith in the allegiance of Englande. And altowghe ſins the time of kinge Henrie the ſixt, none of the kinges of Scotlāde haue done the ſaide ſeruice vnto the kinges of Englande: Yet that ys no reaſon in our lavve to ſaye, that therefore the realme of Scotlande at the time of the birthe of the ſaide Ladye Marie Quene of Scotlande, beinge in the thirtie and fovverthe yeare of the reigne of our late Souereigne lorde kinge Henrie the eight, vvas ovvte of the allegiance of the kinges of Englande. For

the

the lavve of this realme ys verie plaine, that thovvghe the tenaunte do not his ſeruice vnto the lorde, yet hathe not the lorde therby loſt his ſeigneurie, for the lande ſtill remainethe within his fee and ſeigneurie that not with ſtandinge. But paraduenture ſome vvill obiecte and ſaye, that by that reaſon Frãce ſhoulde likevviſe be ſayed to be within the allegiance of Englande, for as muche as the poſſeſſion of the crovvne of France hathe bene vvithin a litle more, then the ſpace of one hundred yeares novve laſte paſte, lavvfullie veſted in the kinges of Englãd. Whoſe right and title ſtill remainethe in the Quenes maieſtie that novve ys. To that, there ys a greate difference betvvene the right and title vvhiche our Souereigne ladie claimethe to the realme of France, ãd the right and title vvhiche her highnes claimethe to the realme of Scotlãd: Althowghe yt be trevve, that the kinge of Englande hathe bene lavvfullie poſſeſſed of the crowne of France, vvhoſe right and title by iuſte and lavvfull ſucceſſion ys deuolued vnto our ſaide Souereigne ladie: Yet duringe ſuche time, as her highnes by vſurpation of other ys diſpoſſeſſed of the ſaide realme of France, the ſame realme by no

*The lorde loſethe not his ſeignierie though the tenãte dothe not his ſeruice.*

meanes can be ſaide to be with in her highnes allegeãce: eſpeciallie cõſideringe howe that ſins the time of vſurpation, the people of France haue wholie forſaken theire allegeance and ſubiection, whiche they did owe vnto the kinges of Englãde: And haue geuen and ſubmitted them ſelues vnder the obedience and allegeance of the vſurpers. But as for the realme of Scotlande yt ys oterwiſe: For the title which our Souereigne Ladie and Quene and her ꝓgenitours haue claimed vnto the realme of Scotlãde ys not in the poſſeſſion of the lande and crowne of Scotlande, but onlie vnto the ſeruice of homage and fealtie for the ſame. And althowghe the kinges of Scotlande ſithe the time of kinge Henrie the eight, haue intermitted to do the ſaide homage and fealtie to the kinges of England: Yet for all that the kinges of Scotlãde can not by any reaſon or lawe be called vſurpers. And thus maye ye ſee (gentle Reader) by the opinion of all indifferent men, and not led by affection, that the realme of Scotlande hathe bene, and yet ys, within the allegeance and dominion of Englande: And ſo your antecedent or firſte propoſition falſe. And yet that makethe no prouf that the realme of

Fraunce

Prince likewiſe ſhoulde nowe be ſaide to be with in the allegiãce of our Souereigne Lady the Quene of England, by reaſon of the manifeſte and apparente difference before ſheued. But what yf your antecedent were trewe, ãd that we did agree bothe withe the ſaide Quene of Scottes ãd her ſubiectes ãd alſo withe you, that Scotlande were owte of the allegiance of Englande? Yet yt ys verie plaine that your cõſequente and concluſion can not by anye meanes be trewe. And that principallie for three cauſes. Wherof one ys, for that neither the kinge nor the crowne (not beinge eſpeciallie mentioned in the ſaide rule or pretẽded maxime) can be intẽded to be with in the meaninge of the ſame maxime, as we haue before ſufficientlie proued by a greate nomber of other ſuche like generall rules and maximes of the lawes.

*The cauſes vvhy the crowne cã not be com prẽded vvith in the premaxime.*

An other cauſe ys, for that the crwne cã not be taken to be with in the wordes of the ſaide ſuppoſed maxime: And that for two reſpectes, one ys by cawſe the rule doth onlye diſhable aliens to demaunde any heritage with in the allegiance of Englande, which rule can not be ſtretched to the demaunde of the crowne of Englande, which ys not with in the allegiance

of Englande, but ys the verie allegiance yt ſelf: As for a like example. Yt ys trevve that all the landes vvith in the kinges dominion are holden of the kinge either mediatlie or immediatelie, and yet ys yt not trevve that the crovvne (by vvhiche onlie the kinge hathe his dominion) can be ſaide to be holden of the kinge. For withoute the crowne there can be neither kinge nor allegiance: And ſo longe as the crovvne reſtethe onlie in demaunde not beinge veſted in any perſon, there ys no allegiance at all. So that the crovvne can not be ſaide by any meanes to be vvith in the allegiance of Englãde: And therfore not within the wordes of the ſaide rule or maxime. The title of the crovvne ys alſo ovvte of the vvordes and meaninge of the ſame rule in any other reſpecte: And that ys by cauſe that rule doth onlie diſhable an alien to demaunde landes by diſcẽte as heire: for yt dothe not extẽde vnto lãdes purchaſſed by an alien, as vve haue before ſufficientlie proued. And then can not that rule extende vnto the crovvne beinge a thinge incorporate, the right wherof dothe not deſcẽde accordige to the comõ courſe or priuate inheritance, but goethe by ſucceſſion as other corporations do. No man

*with ovte the crowne there cã neither be Kinge nor allegiãce.*

40.E.3.f. 10.13.E.3. titlfe 264. 16.E.3.iurãs de faite 17.E.3.tit Scire fac.7

dowb-

dowbtethe but that a prior alien beinge no denizen, might alvvayes in time of peace demaunde lande in the right of his corpotatiō. And ſo likevviſe a deane or a perſon beinge aliens and no denizens, might demaunde landes in reſpecte of theire corpotations, not vvith ſtandinge the ſaide ſuppoſed rule or mxime, as maye appeare by diuers booke caſes, as alſo by the ſtatute made in the time of kinge Richard the ſeconde. And altovvghe the crovvne hathe alvvayes gone accordinge to the cōmon covvrſe of a diſcente: Yet dothe yt not properlie deſcēde but ſuccede. And that ys the reaſon of the lavve, that altbovvghe the Kinge be more fauoured in all his doinges, then any cōmon perſon ſhalbe: Yet can not the Kinge by lavve auoide his grauntes and lettres patentes by reaſon of his nonage, as other Infantes maye do, but ſhall alvvayes be ſaide to be of full age in reſpecte of his* crovvne: eauen as a perſon, vicare, or deane, or any other perſon incorporate ſhalbe: Whiche can not by any meanes be ſayed in lawe to be vvith in age in reſpecte of theire corporations, Altowghe the corporation be but one yeare olde. Beſides that, the kinge cā not by the lawe avoide the lettres pa-

*A Deane a Perſon a Priour beynge an alien maye demande lāde in the right of his corporatiō*

An. R. 23c. 36. E. 3. fo. 21. tit droi &c. 26 lib. Aſſiſ. p. 54 12. lib. Aſſiſ. tit. enf. 9 H. 6 fol. 33 35 H. 6. fo. 35. 5. E. 4: t. 71. 49 li. Aſſ. pag. 17 22. H. 6. fo. 31, 13. H. 8. fo. 14 7 E. 4. f. 29 9 E. 4 f. 10

**The kīge ys alvvayes at full age in reſpecte of hys crovvne.*

patentes made by any vſurper of the crowne (vnleſſe yt be by acte of parliamente no more then other perſons incorporate ſhall auoide the grauntes made by one that vvas before vvrongfullie in theire places and roumes. Whereas in diſcentes of inheritances the lawe ys otherwiſe. For there the heire maye auoide all eſtates made by the diſſeſor or abatour, or anye other perſon vvhoſe eſtate ys by lavve defeated. Wherby yt dothe plainlie appeare that the kinge ys incorporate vnto the crowne, and hathe the ſame properlie by ſucceſſion, and not by diſcente only. And that ys likewiſe an other reaſon to proue, that the kinge and the crowne can neither be ſaide to be with in the wordes, nor yet with in the meanīge of the ſaide generall rule or maxime. The thirde and moſte principall cauſe of all ys, for that the ſaide ſtatute vvhere vpon the ſaide ſuppoſed rule or maxime ys gathered: the children diſcendants and diſcended of the bloude royall by the vvordes of Enfãts du Roy, are expreſſeli excepted owte of the ſaide ſuppoſed rule or maxime. Which wordes the aduerſaries do muche abuſe ī reſtrainīge & cõſtruinge thẽ to extende but to the firſt degree onlie. whereas the ſame wordes

*The Kings childrẽ are expreſſelye excepted frõ the ſurmiſed maxime.*

may

may verye vvell beare a more large and ample interpretation. And that for three cauſes and conſiderations. Firſte by the ciuill lavve, this vvorde Liberi (vvhiche the vvordes Enfants beinge the vſuall and originall vvorde of the ſtatute vvritten in the Frenche tongue counteruaileth) dothe comprehende by proper and peculier ſignification not only the children of the firſt degree, but other diſcendants alſo In the lavve ſayenge, that he vvho ys manumiſſed or made free ſhall not commence any action againſte the children of the patrone or manumiſſor vvithovvte licence, not only the firſt degree, but the other alſo ys conteined. The like ys vvhen the lavve of the twelve tables ſayethe: The firſte place and roume of ſucceſſion after the deathe of the parentes that dye inteſtate, ys due to the children, vvhiche ſucceſſion apperteinethe as vvell to degrees remoued as to the firſte. Yea in all cauſes fauorable (as ovvrs ys) this vvorde Sonne Filius: conteinethe the nephevve, thowghe not by the propertie of the voice or ſpeache, yet by interpretation admittable, in all ſuch thinges as the lavve diſpoſethe of. As tovvchinge this vvorde Enfans in Frenche vve ſaye that yt

*L. liberorũ de verborum ſignific. ff.*

*L. ſed & ſi ff. de in ius vocãdo inſtit.*

*de heredibus ab inteſt.*

*L. lucio ff. de heredi. Inſtit. l. ſu. ſta et l. naturorũ & l. liberorũ de verbor. ſignific.*

rea-

L. 2. §. Si mater ad S. C. Tertu. l. filiꝰ ad S.C. Maced. l. ſenat de ritu nupt. l. ℔ ſi nepotes ff. de teſt. tutel cũ notatis ibidem.

reachethe to other deſcendants, as well as to the firſte degree. Wherein I do referre me to ſuche as be expte in the ſaide tõgue. We have no one worde (for the barenes of *our engliſhe tongue) to counterpaiſe the ſaide frenche worde Enfans, or the laten worde Liberi. Therefore do we ſupplie yt as well as we maye by this worde children. The Spaniardes alſo vſe this worde Infãtes in this ample ſorte whẽ they call the nexte heire to the heire apparente the infante of Spaine: Eaven as the late deceaſed lorde Charles of Auſtriche was called, his father and grandfather then livinge. Yf then the originall worde of the ſtatute declaringe the ſaide rule, maye naturallie and properlie appertine to all the deſcendants, why ſhoulde we ſtraine and binde yt to the firſte degree onlie, otherwyſe then the nature of the worde or reaſon will beare? For I ſuppoſe verelie, that yt will be verie harde for the adverſarie to geave any good and ſubſtanciall reaſon, whie to make a diuerſitie in the caſes. But towchynge the contrarie, there are good and probable conſiderations whiche ſhall ſerve vs for the ſeconde cauſe. As for that the grandfatheres call theyre nephewes as by a more pleaſante plau-

* *Enfants in franche coũteruaile the thys vvorde liberi in laten.*

*d. l. liberorum.*

*The grand fathers cal theire nephevves ſonnes.*

plauſible name not onlie theire chyldren but theire ſõnes alſo, & for that the ſonne beinge deceaſed (the grand father ſurviuinge) not only the grand fathers affectiõ, but alſo the ſuche right title and intereſte that the ſonne hathe by the lawe, and by proximitie of bloudde, growe and drawe all to* the nephewe, Who repreſentethe and ſupplieth the fathers place, the father ād the ſonne beinge compted in parſon and in fleſhe in manier but as one: Whie ſhall then the bare and naked cõſideration of the externall and accidentall place of the birthe onlie ſeuer and ſonder ſuche an intire, inwarde and naturall coniunction? Add there vnto the manye and greate abſurdities that maye herof ſpringe and enſewe. Diuerſe of the kinges of this realme, as well before the time of kinge Edwarde the thirde (in woſe time this ſtatute was made) as after him, gaue theire dawghters owte to forraine, and ſome tymes to meane Princes in mariage, which thei wolde never ſoo oftē times have done, if they had thowght, that while thei wente abowte to ſett forthe and aduãce theire iſſewe, theire doinges ſhoulde haue tended to the diſheritynge of them from ſo greate, large, and noble a Realme

*L. Gallus §. inſtitutens ff. de libert. & poſt l. ſi C. d. impub. & alys ſubſt. cap. iã 1. q. 4.

The father and ſonne are cõpted in perſon and fleſhe in manier one.

The greate abſurditie that might followe in excludinge the trewe and right ſucceſſor for the place of his birthe onlie.

as this ys: Whiche might have chaunced yf the dawghter hauinge a ſonne or dawghter had died, her father liuīge. For there ſhould this ſuppoſed maxime have bene a barre to theire children, to ſuccedde theire grand father. This abſurditie wolde have bene more notable, yf yt had chaunced abowte the time of kinge Henrie the ſeconde, or this kinge Edwarde, or kinge Henrie the firſte and ſixt, when the poſſeſſions of the crowne of this realme were ſo amplie enlarged in other contreyes beyonde the ſeas. And yet never ſo notable, as yt might have bene hereafter in our freſhe memorie and remembrance, yf any ſuche thinge had chaunced (as by poſſibilitie yt might haue chaunced) by the late mariage of kinge Philippe and Quene Marie. For Admittinge theire dawghter married to a Forren Prince ſhoulde have died before them, ſhe leauinge a ſonne ſurvivinge his father and grand mother, they hauinge none other iſſewe ſo nighe in degree, then wolde this late framed maxime haue excluded the ſame ſonne lamētablie and vnnaturallie, from the ſucceſſion of the crowne of Englande, and alſo the ſame crowne from the inheritance

of

of the realmes of Spaine, of both Sicilies, with theire appourtenances, of the Dukedome of Millaine and other landes and dominions in Lumbardie and Italie, as alſo from the Dukedomes of Brabante, Luxembourge, Geldres, Zutphan, Burgundye, Friſelande, from the contreyes of Flaunders, Arthois, Hollande, Zelande, and Namours, and from the newe fownde landes, parcell of the ſaide kingdome of Spaine. Whiche are (vnleſſe I be deceaued) more ample by doble or treble, then all the contreyes nowe rehearſed. All the whiche contreyes by the foreſaide mariage ſhoulde haue bene by all right deuolued to the ſaide ſonne, yf anye ſuche childe had bene borne. Yf either the ſame, by the force of thisiolie newe founde maxime had bene excluded from the crowne of Englande: or the ſaide crowne from the inheritance of the fore ſaide contreyes: Were there any reaſon to be yelded for the maintenãce of this ſuppoſed rule or maxime in that caſe? Or might there poſſiblie riſe any cõmoditie to the realme by obſeruinge there in this rigorouſe ꝓtenſed rule, that ſhoulde by one hundred ꝓte counteruaile this importable loſſe ād ſpoile of the crowne, and of the lawfull inhe-

inheritour of the ſame? But perchance for the auoidinge of this exceptiõ limited vnto the bloude royall: ſome will ſaye that the ſame was but a priuilege graunted to the kinges children not in reſpecte of the ſucceſſion of the crowne, but of other landes deſcendinge to them from theire Auncettours. Whiche altowghe we might verie well admitte and allowe: yet can yt not be denied, but that the ſame privilege was graunted vnto the kinges children and other deſcendants of the bloudd royall by reaſon of the dignitie and worthines of the crowne, which the kinge theire farher did enioye, And the greate reverence which the lawe geuethe of dewtie therevnto: and therefore yf ye wolde goe abowte to reſtraine and withe drawe from the crowne that privilege which the lawe geuethe to the kinges children for the crownes ſake: ye ſhoulde do therein contrarye to all reaſon, and againſt the rules of the arte of reaſoninge which ſaie the that *propter quod vnũquodque & illud magis*. Beſide that, I wolde faine knowe by what reaſon might a man ſaie, that they of the kinges bloudd borne owte of the allegiance of Englande, maye inherite lãdes with in this realme as heires vnto

*An evaſion avoided pretẽdinge the priuilege of the kinges childrẽ not to be in reſpecte of the crovvne but of other lãds.*

Propter q vnũ quodque & illud magis.

vnto theire Auncetours, not beinge able to inherite the crowne. Trewelie in myne opinion yt were againſt all reaſon. But on the cõtrarie ſide the verye force of reaſõ muſte driue vs to graũte the like: Yea more greate ãd ample priuilege and benefitt of the lawe in the ſucceſſiõ of the crowne. For the royall bloúde where ſoeuer yt be fownde, will be taken as a prætious and ſinguler Iewell, and will carrye with yt, his worthie eſtimation ãd honour with the people, and where yt ys dewe his right with all. By the ciuill lawe the right of the inheritance of priuate perſons, ys hemmed and ynched with in the bãdes of the tenthe degree. The bloude royall ronnethe a farther race, and ſo farther race, ãd ſo farre as yt maye be fownde, where withe the greate ãd mightie cõquerers are gladde and fayne to ioyne with all, euer fearinge the weaknes of theire bloudie ſworde, in reſpecte of the greate ſtrẽgth and force of the ſame. For this cauſe was Henrie the firſte, called for his learninge ãd wiſdome Beauclerke, gladde to conſociate and cupple him ſelf with the Auncient royall bloude of the Saxones, which cõtinewinge in the princely ſucceſſiõ from worthy kinge Alured, was cutt of by the deathe of

*The royall bloud beathe hyr honour withe yt, whereſoeuer yt be.*

*Vide Ant. Conſtitũ de poteſt. & excell. regia q. 106*

*Cõquerers gladde to ioyne with the royall bloude.*

*Henrie the firſt.*

the good kinge Edwarde. And by the marienge of Mathildis beinge in the fowrthe degree in liniall diſcente to the ſaide kinge Edwarde, Was reuiued and reynited. From this Edvvarde the Quene of Scottes (as vve haue before ſhewed) takethe her noble anciente petigrevve. Theis then and diuers other reaſons & cavſes moo, maie be alleaged for the vvayēge ād ſettīge forthe of the trevve meanīge & intēte of the ſaide lavve. Novve in caſe theis tvvo cavſes & cōſideratiōs vvill not ſatiſſie the adverſarie, We will adioyne ther vnto a thirde: Whiche he ſhall never by any good & honeſte ſhifte avoide, And that ys the vſe ād practiſe of the realme, aſwell in the time foregoinge the ſaide ſtatute, as after vvarde. We ſtande vpon the interpretatiō of the cōmon lavve recited & declared by the ſaide ſtatute. And hovve ſhall vve better vnderſtāde vvhat the lavve ys therin, thē by the vſe and practiſe of the ſaide lavve. For the beſte interpratiō of the lawe ys cuſtome. But the realme before this ſtatute admitted to the crovvne not onlie kinges children and others of the firſt degree, but alſo of a farther degree. And ſuche as vvere plainely borne ovvte of the kinges allegiāce. The foreſaide vſe and practiſe

l. ff. de le.

*Cōmō vſe ād practiſe the beſte interpretation of the lavve.*

ap

appearethe aſvvell before as ſithens the time of the conqueſte. Amonge other, kinge Edvvarde the cõfeſſour beinge deſtitute of a lavvfull heire vvith in this realme, ſent ito Hũgarie for Edward his nepheve ſurnamed Owtlavve, ſonne to kinge Edmunde called Irõſide, after many yeares of his exile to retorne into Englãde, to the intẽte the ſaide Ovvtlavve ſhoulde inherite this realme: which neverthelesſe came not to effecte, by reaſon the ſaide Ovvtlavve died before the ſaide kinge Edward his vncle. After vvhoſe deathe the ſaide kinge appointed Eadger Ethelĩge ſõne of the ſaide Ovvtlavve, beĩge his nexte coſen ãd heire, as he vvas of right, to the crovvne of Englãde. And for that the ſaide Eadgar, vvas then but of yõge and tẽder yeares, ãd not able to take vpõ him ſo greate a gouernemente, the ſaide kinge cõmitted the protection aſvvell of the yonge Prĩce, as alſo of the realme to Harold Earle of kente, vntill ſuche time as the ſaide Eadger had obteined perfecte age to be able to Weilde the ſtate of a kinge. Whiche Harolde neverthelesſe cõtrarie to the truſte, ſupplãted the ſaide yõge Prince of the kingdome, ãd putt the crovne vpõ his owe head. By this yt ys apparante that forrain birthe was

Eodẽ Anno Rex cũ in diebus ſuis ꝓceſſiſſet Aeldredũ Vigorniẽſem Epum ad regem Hungar. trãſmittẽs, reuocauit inde filiũ frĩs ſui Edmũdi, Edvvardum, cũ tota familia ſua vt vel ipſe vel filij ei⁹ ſibi ſuccederent in regnum. Flor. hiſt. An. 1057. *Flor. hiſt.* 1066. *Aelred. Rhievalẽſ. de regib. Anglor. ad regem Henr. 2.*

not accompted of before the time of the cõqueſte, a iuſte cauſe to repell and reiecte any man, beinge of the nexte proximitie in bloude from the title of the crowne. And thowghe the ſaide kinge Edwarde the confeſſors will ād purpoſe toke not ſuche force ād effecte as he deſidered, and the lawe craued, yet the like ſucceſſiō toke place effectuouſlie in kinge Stephē and kinge Henrie the ſeconde, as we haue alredie declared. Neither will the aduerſaries ſhifte of forriners borne of father and mother which be not of the kinges alleageance, helpe him: For as muche as this clawſe of the ſaide ſtatute ys not to be applied to the kinges childrē, but to others, as appearethe in the ſame ſtatute. And theis two kinges Stephen, and Henrie the ſeconde, as they vvere borne in a forraine place, ſo theire fathers and mothers vvere not of the kinges alleageance, but mere aliens and ſtrangers. And hovve fonde, notoriouſe a vaine thinge yt ys, that the aduerſarie vvolde perſvvade vs, that the ſaide kinge Henrie the ſecōde rather came in by force of a compoſition, then by the proximitie and nearenes of bloude: I leaue yt to everie man to conſider that hath any manner of fealinge in the diſcourſe of the ſtories

*Kinge Stephen and k. H. 2.*

*The aduerſaries ſeamed by imaginatiō that kinge Hēry the 2 ſhouldecome to the crowne by compoſitiō ād not by proximitie of bloude.*

ſtories of this realme: The compoſition did procure him quietnes ād reſte for the time, vvith a good and ſuer hope of quiet ād peaceable entrāce alſo after the death of kinge Stephē: And ſo yt followed in deede, but there grevve to him no more right thereby thē was duë to him before, for he was the trewe heire to the crowne, as appeare the by Stephen his aduerſaries ovvne confeſſion. Henrie the firſte maried his davvghter Mathildie to Henrie the Emperour, by vvhom he had no children: And no dovvbte in caſe ſhe had any children by the Emperour, they ſhoud haue bene heires by ſucceſſion to the crovvne of Englāde. After vvhoſe deathe ſhe retorned to her father, yet did kinge Hēry cauſe all the nobilitie by an expreſſe othe to embrace her after his deathe as Quene, and after her, her children. Not longe after ſhe vvas Married to Geffrey Plantagenet a Frencheman borne, Erle of Anievve, vvho begatt of her this Henrie the ſeconde beinge in France. Where vpō the ſaide kinge did reuiue ād renevve the like othe of allegeāce alvvell to her as to her ſonne after her. Withe the like falſe perſvvaſion the aduerſarie abuſethe him

Polid.

*Rex Stephanꝰ cū herede viduatuſpter ſolummodo ducē Henricū recognouit in cōuētu Epiſcoporū, & aliorū de regno optimatū, & dux Hē. ius hereditariū in regnū Angliæ habebat, & dux benigne conceſſit, vt Rex Stephanus tota vita ſua ſuūregnū pacifice poſſideret. Ita tamē cōfirmatū eſt pactū qđ ipſe rex & ipſi tunc pſētes cū cæteris regni optimatibus iurarēt, qđ dux H. poſt mortē regis ſi illū ſuperuiueret, regnū ſine a-

liqua contradictione obtineret.

*Flores hiſtoriarum. an. 1153.*

ſelf and his Reader towchinge Arthur Duke of Britanie, nephewe to kinge Richarde the firſte. As thowghe for ſowthe he were iuſtlie excluded by kinge Iohñ his vncle by cauſe he was a forrainer borne. Yf he had ſayed that he was excluded by reaſon the vncle owght to be preferred before the nephevve: thovvghe yt ſhoulde haue bene a falſe allegation and plaine againſt the rules of the lavves of this realme (as maye vvell appeare amõge other thinges by kinge Richard the ſecõd who ſucceded his grandfather kinge Edwarde the thirde, which Richarde had diuers worthy ãd noble vncles, who neither for lacke of knowledge coulde be ignorãte of their right, neither for lacke of Frendes, cowrage, ãd power, be enforced to forbeare to chalẽge theire title ãd intereſte) yet ſhoulde he haue had ſome countenance of reaſon ãd ꝓbabilitye, by cauſe many argumẽtes, ãd the authoritie of many learned ãd notable ciuilias do cõcurre for the vncles right before the nephewe. But to make the place, of the natiuitie of an inheritour to a kingdome a ſufficient barre againſt the right of his bloude, yt ſeameth to haue but a weake and ſlender holde

*The like fõde imagination towchynge k. Rich. hu nephewe*

*Diuerſitie of opiniõs towchinge the vncle ãd nephewe whether of them owght to be preferred in the royall gouernemẽt.*

Polid.

holde and grovvnde: And in our caſe yt ys a moſte vnſure and falſe grownde, ſeinge yt ys moſte trewe that kinge Richarde the firſte (as vwe haue ſaide) declared the ſaide Arthur borne in Britanye, and not ſonne of a kinge, but his brother Geffreys ſonne Duke of Britanye heire apparente, his vncle Iohñ yet liuinge, and for ſuche a one ys hę taken in all our ſtories, and for ſuche a one did all the vvorlde take him after the ſaide kinge Richarde his deathe. Neither vvas kinge Iohñ taken for other, then for an vſurper, by excludinge him, and afterwarde for a murtherer for impriſoninge him, and priuelie maſſinge him awaye. For the vvhiche facte the Frenche kinge ſeaſed vpon all the goodlie contreies in France belonginge to the kinge of Englande, as forfeited to him beinge the cheif lorde. By this ovvtragiouſe deede of kinge Iohñ vve loſte Normandie vvith all, and our poſſibilitie to the inheritance of all Britanie, the right and title to the ſaide Britanie beinge devve to the ſaide Arthur and his heires, by the right of his mother Conſtance. And thovvghe the ſaide kinge Iohñ by the practiſe and ambitiō of

*Flores hiſ. an. 1190.*

*The poſſeſſiōs of the crowne of Englande that were beyōde the ſeas ſeaſed into the Frenche kīgs handes for the murtherof Arthur.*

Quene Elenour hys mother, ād by the ſpeciall procuremente of Huberte then Archbuſshoppe of Caunterburie, and of ſome other factious perſons in Englande, preventid the ſaide Arthur his nephewe (as yt was eaſie for hym to do, havinge gotten into his handes all hys brother Richardes treaſure, beſides many other rentes then in Englande, And the ſaide Arthur beinge an enfante, and remayninge beyonde the ſea in the cuſtodie of the ſaide Conſtance) Yet of this facte, beinge againſte all iuſtice, aſwell the ſaide Archebuſshoppe, as alſo manie of the other, did after moſte earneſtlie repente, conſideringe the crewell and the vniuſte puttinge to deathe of the ſaide Arthur procured, and after ſome authours, comytted, by the ſaide Iohñ hym ſelf: Which moſte fowle and ſhamefull acte the ſaide Iohñ neaded not to have comitted, yf by forraine birthe the ſaide Arthur had bene barred to inherite the crowne of Englād. And muche leſſe to have impriſoned that moſte innocente ladie Elenour Siſter to the ſaide Arthur in Briſtowe caſtle, where ſhe miſerablie ended her life. Yf that gave Maxime wolde have ſerued to have excluded theis two children, by cawſe theye were ſtrāgers borne

Polid. lib. 15. Flor. hiſtor. an. 1208.

borne in the parteis beyonde the ſeas. Yea yt appearethe in other doinges alſo of the ſaide time, and by the ſtorie of the ſaide Iohñ, that the birthe owte of the legeance of Englande by father ād mother forraine, was not taken for a ſufficient repulſe and reiectiō to the right and title of the crowne. For the Barones of Englād beinge then at diſſentiō with the ſaide kinge Iohñ, & renowncinge their allegeance to hym, receaued Lewes the eldeſte Sonne of Phillippe the frenche kinge, to be theire kinge in the right of Blanche his wife, which was a ſtranger borne, Albeit the lawfull nece of the ſaide Richard, and dawghter to Alphōs kinge of caſtill, begotten on the bodie of Elenour hys wife one of the dawghters of kinge Henrye the ſeconde, and ſiſter to the ſaide kinge Richarde and kinge Iohñ. Whiche ſtorie I alleage onlie to this purpoſe, thereby to gather the opinion of the time that forraine birthe was then thowght no barre in the title of the crowne. For otherwiſe howe coulde Lewes of France† pretende title to the crowne in the right of the ſaide Blanche hys wife beinge borne in Spaine. Theis exāples are ſufficiēte I ſuppoſe, to ſatiſfie and contente any man that ys not

* Levves the frāche kinges ſonne claimed the crovne of this realme ī the title of his vvife.

† Pro hęreditate vxoris iure ſcilicet neptis Reg. Io. vſque ad mortem ſi neceſſitas exigeret decertabo.

*Flores hiſto.* *An.*1216. not obſtinatelie vvedded to his ovvne fonde fantaſies and frowarde friuoulous imaginations, or otherwiſe worſe depraued for a good ſuer ād ſubſtanciall interptation of the cōmon lawe. And yt were not altogether frō the purpoſe here to cōſider ād weighe, with what ād howe greauouſe plagues this realme hath bene ofte afflicted ād ſcowrged by reaſon of wrōgfull ād vſurped titles. I will not reuiue by odiouſe rehearſhall the greatnes ād nōber of the ſame plagues, alwell otherwiſe, as eſpeciallie by the contentiō of the noble howſes ād famelies of yorke ād Lācaſter: Seinge yt ys ſo fortunatelie and almoſte with in mās remēbrāce extīcte ād buried. I will nowe putt the gentle Reader in remēbrāce of thoſe onlie with whoſe vſurpinge titles we are nowe pſentlie in *h*āde. And to begīne with the moſte auncient, what became I praye you of Harolde that by briberie ād helpe of his kīred vſurped the crowne againſt the foreſaide yonge Eadgar (as I haue ſaide) ād as *th*e olde monumēts of our hiſtoriopraphers do plainlie teſtifie, was the trewe ād lawful heire. Coulde he thincke you enioye his ambitiouſe ād nawghtie vſurpinge one whole

Harold' munerib' & genere fret' regni diadema inuaſit. Hēr. Hunt. hiſto. Angliæ. li. 6.

Cui regnum iure hereditario, debebatur. Ealredus Rieuall. in hiſt. R. Angl. ad H. 2.

Cui de iure debebat' regnū

and

ād ētier yeare? No ſuerlie eare the firſt yeare of his vſurped reigne turned aboute, he was ſpoyled ād turned owt bothe of crovne ād† his lief with all. Yea his vſurpatiō occaſiōed the cōqueſte of the whole realme by williā Duke of Normādie baſtarde Sonne to Roberte the ſixte duke of the ſame. And maye we thincke all ſaufe ād ſownde nowe from like danger, yf vve ſhoulde treade the ſaide vvrōge ſteppes vvithe Harolde, forſakinge the right ād highe vvaye of lavve ād iuſtice? What ſhall I nowe ſpeake of the crevvell ād ciuill vvarres betvvene kinge Stephen and kinge Hēríe the ſecōde, Which vvarres roſe by reaſō the ſaide Hēry vvas vniuſtlie kepte frō the crovne devē to his mother mavvde, ād to him afrervvardes. The petifull reigne of the ſaide Iohñ vvho doth not lamente vvith the lamentable loſſe of Normandie, Aquitanie, and the poſſibilitie of the Dukedome of Britanie, ād vvith the loſſe of our other goodlie poſſeſſions in Fraunce? Wherof the crovvne of Englande vvas robbed and ſpoiled by the vnlavvfull vſurpinge of him againſte his nephevve Arthur. Well, let vs leaue theys greauouſe and lothſome remembrances, and lett vs yet ſeake yf vve maye fynde any later interpretation either of Iohñ.

gnū Anglorū. Io. lōd. in chronic. Angliæ.

Eadē verba ſunt in Mat. vveſtmo. ī flor. hiſt. Anno. 1066.

† Rex Edvvard⁹ mi-ſit &c. Vt vel ipe Edvvard⁹ vel filię ei⁹ ſibi ſuccederēt &c. Rich. Ciceſt. vid vvil. Malmeſb. de regi. Ang. l. 2. c. 4 5. l. 3. cap. 5.

*What calamities fell to the realme by the vſurpīg of kinge Harrold K. Stephen and*

of the ſaide ſtatute, or rather of the cõmon lavve for our purpoſe. And lô the greate goodnes and ꝓuidence of God, vvho hathe (yf the foreſaide exáples wolde not ſerue) prouided a later, but ſo good, ſo ſure, ſo apte and mete interpretation for our cauſe, as any reaſonable harte maye deſier. The interpretation directlie tovvchethe our caſe, vvhiche I meane by the mariage of the Ladye Margaret eldeſt davvghter to kinge Hẽrie the ſeavẽthe, vnto Iames the fowrthe, kinge of Scotlande, and by the opinion of the ſaide moſt prudente Prince in beſtowinge his ſaide dawghter into Scotlande: A matter ſufficiẽt inoughe to ouerthrowe all thoſe cauellinge inuentions of the aduerſarie. For what time kinge Iames the fowerth ſente his ambaſſadour to kinge Henrie the ſeauenthe to obteine his good vvill to eſ-
Polid. 26. pouſe the ſaide Ladie Margaret, there were of his counſaile not ignorante of the lawes
*Kinge H. vvith his cownſaile ys a good interpteur of our preſent cauſe.* and cuſtomes of the realme, that did not vvell like vppon the ſaide mariage, ſayenge yt might ſo fall ovvte, that the right ād title of the crovvne might be deuolued to the Ladie Margaret and her children: And the realme thereby might be ſubiecte to Scotlande. To the vvhich the prudente and wiſe

kinge

kinge anſvvered, that in caſe any ſuche de-
uolution ſhoulde happen, yt vvolde be no-
thinge preiudiciall to Englande: For En-
glande as the cheif and principall and wor-
thieſte parte of the Iſle, ſhoulde drawe Scot
lande to yt, as yt did Normandie from the
time of the cõqueſte: vvhiche anſvvere was
vvonderfullie vvell liked of all the coun-
ſaile. And ſo cõſequentlie the mariage toke
effecte, as appearethe by Polidor the hiſto-
riogropher of this realme: And ſuche a one
as vvrote the actes of the time by the in-
ſtructiõ of the kinge him ſelf. I ſaye thẽ the
vviſe worthy Salomõ foreſeinge that ſuche
deuolutiõ might happen, was an interpreta-
tour with his prudent and ſage conſayle for
our cauſe, for eles they neaded not to reaſõ
of any ſuche ſubiection to Scotlande. Yf
the children of the Ladye Margaret might
not lavvfullie inherite the crovvne of En-
glande: For as to her huſbande vve coulde
not be ſubiecte, hauinge him ſelf no right
by this mariage to the title of the crovvne
of this realme. Where vpon I maye well in-
ferre that the ſaide nevve maxime of theis
men (whereby they wolde rule and ouer
rule the ſucceſſion of Princes) was not
knowen to the ſaide wiſe kinge, neither to

any

any of his counſaile: Or yf yt were, yet was yt taken not to reache to hys bloudd royall borne in Scotlande. And ſo on everie ſide the title of Quene Marye ys aſſuerid: So that nowe by this that we haue ſaide, yt maye eaſelie be ſeen, by what light and ſklender conſideration, the adverſarie hathe gone abowte to ſtraine the wordes, Enfants or childrē to the firſt degre onlie. Of the like weight ys his other conſideration, imageninge ād ſurmiſinge this ſtatute to be made bycawſe the kinge had ſo manye occaſions to be ſo often over the ſea with his ſpowſe the Quene. As thowghe diuers kinges before him vſed not often to paſſe over the ſeas? As thowghe this were a perſonall ſtatute made of ſpeciall purpoſe, and not to be taken as a declaration of the cōmon lawe: Whiche to ſaie ys moſte directlie repugnāte and contrarious to the letter of the ſaide ſtatute: Or as thowghe his children alſo did not verie often repayre to owtewarde contreies, as Iohn of Gawnte Duke of Lancaſter, that Maried Peters the kinge of caſtilles eldeſt dawghter, by whoſe right he claimed the crovne of caſtill, as his brother Edmunde, Erle of camebridge that maried the yongeſte dawghter, as lionell Duke of

Polid. Polychr, Froſerd.

*The mariages of k. E. 3. ſones.*

of clarence that maried at Millain Violane Dawghter and heire to Galiatius Duke of Millan, But eſpeciallie Prince Edwarde whiche moſt victoriouſlie toke in battaile Iohñ the Frenche kinge, and browght hym into Englande his priſoner to the greate triumphe and reioicinge of the realme, whole eldeſt ſonne Edwarde that died in ſhorte time after, was borne beyonde the ſeas in Gaſcoigne, and his other ſonne Richarde that ſucceded hys grandfather was borne at Burdeauxe. As theis noble kinge Edwardes ſonnes Married withe forrainers: So did theye giue ovvte theire dawghters in Mariage to forraine Princes. As the Duke of Lancaſter his dawghter Philippe to the kinge of Portingale, and his dawghter Katherin to the Kinge of Spaine, And his nece Iohã dawghter to his ſonne Erle of Somerſett was ioined in mariage to the Kinge of Scottes, Iohã dawghter to his brother Thomas of Wodſtocke Duke of Glõceſter was Quene of Spaine, And his other dawghter Marie Duches of Bretaigne. Nowe by thys mans interpretation none of the iſſewe of all theis noble womẽ, coulde have enioyed the crowne of Englande, whẽ yt had fallen

to

to them (thowghe they had bene of the nea-reſte royall bloudd) after the deathe of theire Aunceſters. Which ſuerlie had bene againſt the aunciente preſidentes and examples that we have declared, and againſt the cõmon lawe, The which muſt not be thowght by this ſtatute any thinge taken awaye, but onlie declared, and againſt all good reaſon alſo. For as we wolde haue thowght this realme greatelie iniured yf yt had bene defrawded of Spaine or any of the foreſaide contreies, beinge devolued to the ſame by the foreſaide mariages, As we thincke our ſelf at this daie iniured for the with holdinge of France: ſo the iſſewe of the foreſaide noble womẽ might ãd wolde have thowght them hardly and injuriouſlie handled, yf any ſuche cafe had happened. Neither ſuche friveloufe interpretation & gloſes, as this man nowe frameth and makethe vpon the ſtatute, Wolde then haue ſerved, nor nowe will ſerve. But of all other hys friveloufe and foliſhe gheſſinge vpon the cauſe of the ſtatute for Enfans du Roy, there vs one moſte fõde of all, for he wolde make vs beleave, ſuche ys the mãs ſkyll, that this ſtatute towchinge Enfants du Roy, was made for the greate bowbte more

*A fõde imaginatiõ of the adv ſarie of the ſtatute 25. E. 3.*

more in them then in other perſõs tovvchinge theire inheritãce to theire Aunceſters. For beinge then a maxime (ſaieth he) in the lavve, that none coulde inherite to his Aunceſters, beinge not of father ãd mother vnder the obedience of the kinge: ſeinge the kinge him ſelf coulde not be vnder the obediẽce, yt plainlie ſeamed that the kinges childrẽ vvere of farre vvorſe conditiõ then others, and quite excluded. And therefore he ſayethe that this ſtatute vvas not to geue them any other priuilege, but to make thẽ equall vvith other. And that therefore this ſtatute tovvchinge the kinges children, ys rather in the ſuperficiall parte of the vvorde then in effecte. Nowe amõge other thinges he ſaiethe (as vve haue ſhevved before) that this vvorde Enfants du Roy in this ſtatute mentioned, muſte be taken for the childrẽ of the firſt degree, Whiche he ſeamethe to proue by an note taken ovvte of maiſtre Raſtall. But to this vve anſvvere that this man ſvvetly dreamed, vvhen he imagined this fonde and fantaſticall expoſition: And that he ſhevvethe him ſelfe a verie Infante in lawe and reaſõ: For this was no Maxime, or at leaſte not ſo certaine before the makinge of this ſtatute, vvhiche geauethe no

*There was no doubte made off the kinges children borne beyonde the ſeas.*

nevve right to the kinges children, nor anſwere the any dowbte towchinge them and theire inheritance: But farthe that the lawe of the crovvne of Englande ys and alwayes hathe bene, vvhich lavve ſayethe the kinge, ſaye the lordes, ſaye the cõmons, we allowe and affirme for euer, that the kinges children ſhalbe hable to inherite the landes of theire Auncеſters, vvhere ſo euer they be borne. All the dovvbte vvas for other perſons, as appearethe euidẽtlie by the tenour of the Statute, vvhether by the cõmõ lavve (they beinge borne ovvte of the allegeãce) vvhere heritable to theire Auncеſters. And yt appearethe that the aduerſarie ys driuen to the harde vvall, vvhen he ys fayne to catche holde vpon a ſelye poore marginall note of Maiſtre Raſtall, of the kinges children, and not of the kinges childres children. Whiche yet nothinge at all ſeruethe his purpoſe towchinge this Statute. But he or the printer, or who ſoeuer he be, As he draweth ovvte of the texte manye other notes of the matter therein compriſed: So vpon theis frenche vvordes *Les Enfants du Roy*, he noteth in the margente the kinges children: But howe farre that vvorde teachethe he ſayethe neither more nor leſſe: Nei-

Neither yt ys any thinge preiudiciall to the ſaide Quenes right or title. Whether the ſaide vvordes Infantes owght to be taken ſtrikelie for the firſt degree, or farther enlarged. For yf this ſtatute towchethe onlie the ſucceſſiō of the kinges childrē to theire Auncēſters for other inheritāce, ād not for the crowne (as moſte men take yt) ād as yt maye be as we have ſaide verye well taken and allowed. Then doth this ſuppoſed Maxime of forraine borne, that ſeameth to be gathered owte of this ſtatute nothinge anoye or hinder the Quene of Scottes title to the crowne, as not ther to appteininge. On the other ſide if by the inheritāce of the kinges childrē, the crowne alſo ys mēte, yet neither maye we ēforce the rule of forraine borne, vpō the kinges childrē, Which arē by the expreſſe wordes ī the Statute excepted: Neither īforce the worde Enfās to the firſt degree only: For ſuche reaſōs, preſidētes, ād exāples, ād other, puffes largely by vs before ſet forthe to the cōtrarie. Seīg that the right of the crovne fallinge vpō them, they maye well be called the kīges childrē, or at leaſte childrē of the crowne. There ys alſo one other cauſe why, thoughe this Statute reache to the crowne, ād maye ād owght to be exThys ſtatute towchethe not the Quene of Scottes as one not borne beyonde the ſeas.

ded of the ſame, the ſaide Quene ys owte of the reache and compaſſe of the ſaide ſtatute. For the ſaide ſtatute can not be vnderſtãded of any perſons borne in Scotlãde or wales, but onlie of perſons borne beyõde the ſea owte of the allegeance of the kinge of Englande: That ys to witt France, Flawnders and ſuche like: For Englande, Scotlãde, and wales be all within one territorie, and not devided by any ſea. And all olde recordes of the lawe concerninge ſeruice to be done ī thoſe two contreyes, haue theys vvordes *Infra quatuor maria*, within the fower ſeas, which muſt nedes be vnderſtande in Scotlande and vvales, aſvvell as in Englande, by cavvſe they be all with in one continente, compaſſed vvithe fower ſeas. And likevviſe be manye Anciente ſtatutes of this realme written in the Norman frenche, Whiche have theis vvordes *Deins le quatre mers*, that ys vvithin the fower ſeas. Now concerninge this ſtatute, the title of the ſame ys, of thoſe that are borne beyõde the ſea, the dowbte moved in the corps of the ſaide Statute, ys alſo of children borne beyonde the ſea owte of the alleageance, with diuers other branches of the Statute tendinge that vvaye. Whereby yt ſeamethe

that

that no parte of the Statute tovchethe theis that are borne in wales or Scotlande. And albeyt at this time, and before in the reigne of Edwarde the firſte, wales vvas fullie reduced, anexed, ād vnyted to the proper dominion of Englande: yet was yt before ſubiected tó the crowne and kinge of Englande, as to thé lorde and Seignour, aſwell as Scotlande. Wherefore yf this Statute had bene made before the time of the ſaide Edwarde the firſte, yt ſeame the that yt could not haue bene ſtretched to wales, no more then yt can novve to Scotlande. I do not therefore a litke marvaile, that ever this man for pure ſhame coulde finde in his harte ſo childiſhelie to wrangle vppon this vvorde Enfants, and ſo openlie to detorte, deprave, and corrupte the common lawe and the actes of parliamente. And thus maye you ſee, gentle Reader, that nothinge can be gathered eyther ovvte of the ſaide ſuppoſed generall rule or Maxime, or of any other rule or principle of the lawe, that by any good and reaſonable conſtruction can ſeame to impugne the title of the ſaide Ladye Marye nowe Quene of Scottes, of and to the crowne of this realme of Englande, as ys aforeſaide.

Vide ſtatuta vvallie in magna carta.

*Vvales vvas vnder the allegēāce of Englande before yt vvas vnited to the cronve.*

We are therefore nowe laſte of all to conſider, Whether there be any ſtatute or acte of parliamente, that dothe ſeame either to take awaye or preiudice the title of the ſaide Ladie Marie. And by cavſe tovchinge the foreſaide mentioned Statute of the 25. yeare of kinge Edvvarde the thirde, beinge onlie a declaration of the common lavve, we haue alredie ſufficiẽtlie anſwered, We will paſſe yt over, and conſider vpon the Statute of 28. & 36. of kinge Henry the eight, beinge the onlie ſhoteanker of all the adverſaries, Whether there be any matter therein conteined or dependinge vpon the ſame, that can by any meanes deſtroye or hurte the title of the ſaide Ladie Marie Quene of Scotlande to the ſucceſſion of the crovvne of Englande. Yt dothe appeare by the ſaide Statute of 28. of kinge Hẽrie the eight, that there was aucthorité geaven him by the ſame to declare, limitte, appointe, and aſſigne the ſucceſſion of the crowne by hys lettres patentes, or by hys laſte will ſigned with his owne hande. Yt appearethe alſo by the foreſaide Statute made 35. of the ſaide kinge, that yt vvas by the ſame enacted, that the crowne of this realme ſhoulde goe and be to the ſaide

*The ſtatutes of kinge H. 8. tovchinge the ſucceſsion of the crovvne.*

kinge

kinge and to the heires of his bodie lawfullie begotten, that ys to ſaye, vnto hys hyghnes firſte ſonne of his bodie betwene him and the Ladie Iane then hys vvife, begotten: and for defaulte of ſuche iſſewe, then vnto the Ladie Marie his dawghter, and to thé heires of her bodie lawfullie begotten. And for defaulte of ſuche iſſewe, thé vnto the Ladie Elizabeth his dawghter our Souereigne Ladie the Quenes Maieſtie that nowe ys, and to the heires of her Maieſties Bodie Lawfullie begotten And for defaulte of ſuche iſſewe, vnto ſuche perſon or pſons in remaynder or reverſiõ, as ſhoulde pleaſe our late Sovereigne Lorde kinge Henrie the eight, and accordinge to ſuche eſtate, and after ſuche manner, order, and cõdition, as ſhoulde be expreſſed, declared, named and limited in his highnes lettres patentes, or by his laſte will in vvritinge, ſeigned vvith his owne hande. By vertue of whiche ſaide acte of parliamente the aduerſaries do alleage, that the ſaide late kīge Hẽrie the eight afterwarde by his laſte will in writīge ſigned with hys owne hãde, did ordaine and appointe, that yf yt happen the ſaide Prince Edwarde, Ladie Marye, and Ladie Elizabethe to dye withowte iſſewe of

theire bodies lavvfullie begotten, then the crovvne of this realme of Englãde, ſhoulde goo and remayne vnto the heires of the bodie of the Ladie Fraunces his nece, and the eldeſte davvghter of the Franche Quene. And for defaulte of ſuche iſſevve to the heires of the bodie of the Ladie Elenour his neece ſeconde dawghter to the Frenche Quene lavvfullie begotten. And yf yt happened the ſaide Ladye Elenour to die withovvte iſſevve of her bodye lawfullie begotten, to remaine and come to the next rightfull heires. Wher vpon the aduerſaries do inferre, that the ſucceſſion of the crovvne ovvght to goo to the children of the ſaide Ladie Frances, and to theire heires accordinge to the ſaide ſuppoſed vvill of our late Souereigne Lorde kinge Henrie the eight: And not vnto the Ladie Marie Quene of Scottes that novve ys. To this yt ys on the behalf of the ſaide Ladie Marie Quene of Scotlande amonge other thinges alvvered, that kinge Henrie the eight neuer ſigned the pretenſed vvill vvith his owne hande: And that therefore the ſaide vvill can not be any whitte iudiciall to the ſaide Quene. Againſt vvhiche anſvvere for the defence and vpholdinge of the ſaide vvill, yt ys replied

*An anſwere to the foreſaide ſtatutes.*

plied by the aduerſaries, Firſte that there vvere diuers copies of his vvill fovvnde ſigned with his owne hande, or at the leaſte wiſe enterlined, and ſome for the moſte pte vvritte̅ withe his owne hande: Owte of the vvhich yt ys likelie that the originall vvill co̅monlie called kinge Henrie the eightes will was taken, a̅d fayer drawe̅ owte. Then that there be greate a̅d vehemẽte preſumptions, that for the fatherlie loue that he bare to the common vvealthe, and for the auoidinge of the vncertentie of the ſucceſſion, he vvell liked vpon and accepted the auctoritie geauen him by parliament, and ſigned with his owne hande the ſaide originall vvill, which had the ſaide limitation a̅d aſſignatio̅ of the crowne. And theis preſumptions are the more enforced, for that he had no cauſe vvhie he ſhoulde beare any affectio̅ either to the ſaide Quene of Scotla̅de, or to the Ladie Lenneux: And hauinge with all no cauſe to be greaued or offended vvithe his ſiſters the frenche Quenes children, But to putt the matter quite owte of all ambiguitie and dowbte. Yt appeare the (they ſaye) that there were eleuen witneſſes purpoſelie calledd by the kinge, Who were preſente at the ſigninge of the ſaide will, a̅d ſub-

*The effecte of the aduerſaries Argumẽtes for the excluſion of the Q. of Scots by a p̃tenſed will of kin. H. 8.*

ſubſcribed theire names to the ſame. Yea the cheif lordes of the coũſaile were made ād appointed executours of the ſaide will: And they ād other had greate legaties geauē thē in the ſaide will, vvhich vvere paide, and other thinges cōpriſed in the vvill accōplished accordinglie. There paſſed alſo purchaſes ād lettres patētes betwene kinge Edwarde and the executours of the ſaide vvill and others, for the execution and performance of the ſame. Finallie the ſaide teſtamente was recorded in the chauncerie. Wherefore they affirme that there owght no manner of dowbte move any mā to the cōtrarie. And that either we muſte graunte this will to be ſigned vvith his hāde, or that he made no vvill at all: Bothe muſte be grāted, or bothe denied. Yf any will denye yt in caſe he be one of the vvitneſſes, he ſhall impugne his owne teſtimony: Yf he be one of the executours, he ſhall ouerthrowe the fowndation of all his doinges, in procuringe the ſaide will to be inrolled, and ſett forthe vnder the greate ſeale. And ſo by theyr dubblenes they ſhall make thē ſelues no mete witneſſes. Nowe a mā can not lightlie imagine how any other beſids theis two kīdes of witneſſes (for ſome of thē, ād of the executours

cutours were ſuche as were cõtinually waytinge vpõ the kinges plon) maye impugne this will, and proue that the kinge did not ſigne the ſame, but yf anie ſuche impugne the ſaide will, Yt vvolde be cõſidered howe manye they are, ād vvhat theire are: And yt wilbe verye harde to proue *Negatiuam facto.* But yt ys euidẽte ſaye theye, that there was neuer any ſuche lawfull prouffe againſte the ſaide will ꝓducted. For yf yt had bene, yt wolde haue bene publiſſhed in the ſtarre chamber, preached at Pawles croſſe, declared by acte of parliamente, proclaymed in euerie quarter of the realme. Yea admittinge ſaye they, that yt were proued that the ſaide pretented will lacked the kinges hãde, yet neuerthelelſe ſaye they, the verye copies we haue ſpoken of, beinge writtẽ & ſigned, or at leaſte interlined with his owne hande, maye be ſaide a ſufficiente ſigninge with his owne hande. For ſeinge the ſcope and finall purpoſe of the ſtatute vvas, to haue the ſucceſſion prouided for, and aſſertained, which ys ſufficientlie done in the ſaide vvill. And ſeinge his ovvne hande was required, but onlie for eſchevvinge euill ād ſiniſter dealinge, vvherof there is no ſuſpition in this vvill to be gathered: What matter in the vvorlde, or vvhat differẽce ys there

there, When the kinge fulfilled and accompliſhed this gratious acte, that was loked for at his handes, Whether he ſigned the will vvith his ovvne hande or no. Yfyt be obiected that the kinge was obliged and bovvnde to a certaine preciſe order and forme, vvhiche he coulde in no vviſe ſhifte, but that the acte withoute yt muſte periſhe, and be of no valewe, Then ſaie they, we vndoe vvhole pliamētes, alvvell in Quene Maries time, as in kinge Henrie the eightes time. In Quene Maries time by cawſe ſhe omitted the ſtile appointed by parliamente *Anno Henrici octaui tricesimo quinto.* In kinge Henries time by reaſon there was a Statute that the kinges will abſēte maye be geaven to an acte of parliamēt by hys lettres patētes ſigned with his hande, thowghe he be not there perſonallie. And yet did the ſaide kinge ſupplie full ofte hys conſente by the ſtampe onlie. This yet not with ſtandinge, the ſaide parliamentes for the omiſſion of formes ſo exactelie and preciſely appointed, are not diſtroied and diſanulled. After this ſort in effecte, Haue the aduerſaries replied for the defence of the ſaide pretenſed will. To this we will make our reioynder, and ſaye, Firſte that our principall matter

*Ann. H. 8. 35.*

*Ann. H. 8. 33. 21.*

*An anſvvere by the vvaye of reioynder to the ſame.*

ys not to ioyne an iſſewe, whether the ſaide kinge made and ordeined any ſufficiente will or noo, We leaue that to an other time: But whether he made any teſtamente in ſuche order and forme as the ſtatute requirethe. Wherefore yf yt be defectiue in the ſaide forme, as we affirme yt to be, were yt otherwiſe neuer ſo good and perfecte, thowghe yt were exemplified by the greate ſeale, and recorded in the chaunceric, and taken cõmonlie for his will and ſo accompliſhed, yt ys nothinge to the principall queſtion. Yt reſteth then for vs to conſider the weight of the aduerſaries preſumptions, whereby they wolde enforce a probabilitie, that the teſtamente had the foreſaide requiſite forme: yet firſte yt ys to be conſidered, what preſumptions and of what force and nomber do occurre to auoide and fruſtrate the aduerſaries preſumptions, and all other like. We ſaye then there occurre manye likelihoddes, manye preſumptions, manye greate and weightie reaſons to make vs to thincke, that as the kinge neuer had good and iuſte cauſe to mynde and entrepriſe ſuche an acte as ys pretended: So likewiſe he did entrepriſe no ſuche acte in deede. I denie not, but that there

*Diuers p̃ſumptions ād reaſons agaīſt the ſuppoſed will.*

their vvas ſuche auctoritie geaue̅ him, neither deuſe but that he might alſo in ſome honorable ſorte haue practiſed the ſame to the honour ād wel the of the realme, & to the good cō-tētatiō of the ſame realme But that he had either cauſe or did exerciſe the ſaide auctho ritie in ſuche ſtrange ād dishonorable ſorte, as ys p̄tēded, I plainlie denie. For beinge at the time of this p̄tenſed will furniſhed and adorned with iſſewe our late kīge Edward, ād ladie Marie late Quene, ād with our gra-ciouſe ſouereigne Elizabeth, theire ſtate ād ſucceſſiō beinge alſo latelie by acte of pla-mēte eſtabliſhed, what nede or likelyhode was there for the kinge thē to practiſe ſuch newe deuiſes, as neuer did (I ſuppoſe) any kinge in the realme before, ād fewe in any other beſide. And vvhere they vvere practi-ſed comonly had infortunate and lamen-table ſucceſſe. What likelihodd was there for him to practiſe ſuche deuiſes, eſpeciallie in his later dayes when wiſdome, the loue of God, and his realme ſhoulde haue bene moſt ripe in him? That were likely to ſturre vppe a greter fier of greauouſe contenrion and wofull diſtruction in Englande, Then euer did the deadlie factiō of the redd roſe and the white, lately by the incorporation

and

and vniō of the howſes of yorke and Lancaſter, in the pſō of his father throwghe the mariage of Ladie Elizabeth, eldeſte dawghter to kinge Edwarde the fowrth, moſt happelie extinguiſhed ād buried. And thowghe yt might be thowght or ſaide, that there wolde be no ſuche cauſe of feare, by reaſon the matter paſſed by parliamēte, yet coulde not he be ignorante that nether pliamētes made for Henrie the fowrthe, or continewance of two diſcentes (Which take no place in geuinge any title touchinge the crowne) in kinge Henrie the ſixte, nor parliamentes made for kinge Richarde the thirde, nor pliamentes of attaynder made againſte his father, coulde either preiudice his fathers right or releue other againſte ſuche, as pretēded iuſte right and title, And as he coulde not be ignorante therof, ſo yt ys not to be thought, that he vvolde abuſe the greate confidence putt vpon him by the parliamente, and diſherite vvith ovvte any apparente cauſe, the next royall bloude, and thincke all thinges ſuer by the colour of a pliamente. The litle force vvherof againſte the right inheritour, he had to his fathers and his ovvne ſo ample benefitt, ſo latelie and ſo largelie ſeen and felte, and yet yf he

min-

mynded at any time to preiudice the ſayde Ladye Marie Quene of Scotlande, of all times he wolde not haue done yt then, whē all his care vvas by all poſſible meanes to contriue and compaſſe a mariage betwene his ſonne Edwarde, and the ſaide Ladie and Quene. Suerlie he vvas to vviſe of him ſelf, and vvas furniſſhed vvithe to wiſe counſailours to take ſuche an homelie vvaye to ꝓcure ād purchaſſe the ſaide mariage by. And leſte of all can vve ſaye he attempted that diſſhonorable diſheriſon, for anye ſpeciall inclination or fauour he bare to the frēche Quene his ſiſters children. For there haue bene of his nere and priuie counſaile, that haue reported, that the kinge neuer had any greate likinge of the mariage of his ſiſter vvith the Duke of Suff. Who married her firſte priuelie in Fraunce, ād afterwarde openlie in Englande (and as yt ys ſaide) had his pardon for the ſame priuie mariage in vvritinge. Howe ſoeuer this matter goethe certaine yt ys, that yf this pretenſed vvill be trewe, he tranſferred and tranſpoſed the reuerſion of the crowne, not onlie from the Quene of Scotlande, from my Ladie Lenneux and theire iſſewe, but eauen from my Ladye Fraunces and my Ladie Elenour alſo

dawgh-

dawghters to the Frenche Quene, vvhiche ys a thinge in a manner incredible, and therefore nothinge likelie. I muſte novve gentle reader putt the in remembrance of two other moſte pregnante and notable coniectures and preſumptions, for amonge all other inconueniences and abſurdities that doe and maye accompanye this raſhe and vnaduiſed acte by thys pretenſed vvill inconſideratelye mainteined, yt ys principallie to be noted, that this acte geuethe apparēte and iuſte occaſion of perpetuall diſheriſon of the ſtile and title of Fraunce incorporated ād vnited to the crowne of this realme. For vvhereby do or haue the Frenche men hitherto excluded the kinges of this realme claymenge the crowne of Frāce by the title of Edvvarde the thirde, fallinge vpon hym by the right of his mother, then by a politike and ciuill lavve of theire ovvne, that barrethe the female from the right of the crovvne? And vvhat dothe this pretenſed acte of kinge Henrie, but iuſtifiethe and ſtrengtheneth theire quarell, and ouerthrowethe the fowndation and bulworke, vvhereby vve mainteine our foreſaide title and clayme? Yf we maye by our Municipall lavve exclude the ſaide Quene of Scotlāde,

*The ſuppoſed vvyll ys principiall to the crowne of Englande for the clayme of the crovvne of France.*

beynge called to this crovvne by the title of generall heritage. Then ys theire municipall lawe likewiſe good and effectuall, ād conſequentlie we do and haue made all this while an vniuſte and wrongfull clayme to the crowne of Fraunce. But nowe to goe ſomewhat farther in the matter, or rather to come nerer home and to the quicke of the matter, we ſaye as there was ſome apparente ād good cauſe whie the kinge ſhoulde the twentie and eight yere of his reygne thyncke vpon ſome limitatiō and appointmente of the crowne (kinge Edwarde as yet vnborne) ſo after he was borne, and that the title and intereſte of the reuerſion of the crowne after him was the thirtie and fifte yeare by parlamente confirmed to the late Quene Marie, and our gratiouſe Souereigne Elizabethe: Yt ys not to be thowght that hewolde afterwarde ieperde ſo greate a matter by a teſtamente and vvill, vvhiche maye eaſelie be altered and counterfeited. And leaſte of all make ſuche aſſignation of the crowne, as ys nowe pretended. For beinge a Prince of ſuche wiſdome and experience he coulde not be ignorante, that this was the nexte and redieſte waye to putt the ſtate, at leaſte of bothe his dawghters

to

to greate perill and vtter diſheriſon. For the kinges example and boldnes in interruptinge and cuttinge awaye ſo manye branches of the nereſte ſyde & line, might ſone brede in aſpiringe and ambitious hartes a bolde and wicked attempte, the vvaye beinge ſo farre browght in and prepared to theire handes by the kinge him ſelf, and theire natures ſo redie and prone to followe euill preſidentes, and to clime highe by ſome colorable meanes or other, to ſpoile and depriue the ſaide dawghters of theyre right of the crowne, that ſhoulde diſcende and fall vpon them: And to conuey the ſame to the heires of the ſaide Ladye Fraunces. And did not, I praye you this drifte & deuiſe fallowte eauen ſo, tendinge to the vtter excluſion of the late Quene Marie, and our gratious Souereigne Elizabethe: Yf God had not of his greate mercie moſte gratiouſlie and wonderfullie repreſſed & ouerthroune the ſame? Theis reaſons then and p̄ſumptions maye ſeame well hable & ſufficiēte to beare dovne, to breake ād ouerthrowe the weke ād ſlēder p̄ſumptions of the aduerſaries, grownded vpō vncertaine and mere ſurmiſes, gheſſes, and cōiectures, as amonge other, that the kinge

*This ſuppoſed will geauethe occaſion of ambitious aſpiringe.*

vvas offended vvith the Quene of Scotlãde and vvith the ladye Lenneux: vvhich ys not trevve. And as for the ladye Lenneux, yt hathe no manner of ꝓbabilitie: As yt hathe not in deede in the ſaide Quene. And yf yt had, yet yt ys as probable and muche more probable, that the kinge vvolde haue eſpeciallie at that time, for ſuche cavvſe as vve haue declared, ſuppreſſed the ſame diſpleaſure. Graũtinge nowe that there were ſome ſuche diſpleaſure, vvas yt honorable either for the kinge or the realme, or vvas yt thincke ye euer thovvght by the parliamẽt that the kinge ſhoulde diſherite them for euerie light diſpleaſure? And yf as the aduerſaries confeſſe the kinge had no cavvſe to be offended vvith the Frenche Quenes children, vvhy did he diſherite the Ladye Fraunces, ãd the Ladye Elenour alſo? Theire other preſumption vvhich they grownde vpon the auoydinge of the vncertaintie of the ſucceſſion by reaſon of his vvill, ys of ſmall force, and rather turnethe againſte them: For yt ys ſo farre of, that by this meanes the ſucceſſion ys made more certaine and ſuer, that contrarie vviſe yt ys ſubiecte to more vncertentie ãd to leſſe ſuertie then before. For vvhere as before the right and

*The ſucceſſion to the croune ys more vncertaine by the ſuppoſed will then before.*

claime.

claime to the crovvne honge vpon ordinarie and certaine covvrſe of common lavve, vpon the certaine and aſſuerid right of the royall and vnſpotted bloude: Yea vpon the verie lavve of nature (vvhereby manye inconueniences, manye troubles, dangers ād ſeditions are in all contreyes politikelie avoided), Sō nowe dependinge vpon ſtature onlie, yt ys as eaſie by an other ſtature to be infringed and ouerthrovvne: And dependinge vpon a teſtamēte, ys ſubiect to manye corruptiōs, ſiniſter dealinges, cauillacions, yea and iuſte ouerthrovves by the diſhabilitye of the teſtatour, vvitneſſes, or the legatorie him ſelf, or for lacke of dewe order to be obſerued, or by the deathe of the vvitneſſes vnexamined, ād for many other like conſiderations. The monumentes of all antiquitie, the memorie of all ages, and of our ovvne age, and daylie experience can tell ād ſhevve vs manye lamentable examples of manye a good and lavvfull teſtamente by vndevve and craftie meanes, by falſe and ſuborned vvitneſſes, by the couuetous bearinge and maintenance of ſuche as be in auctoritie quite vndone and ouerthrovvne. Wherefore. *Valerius Maximus* criethe owte againſte. *M. Craſſus* and *Q. Hortenſius lumina*

*There ys mucheforgerie and counterfeytting of teſtamentes.*

*Valerius Maximus dedi. 8. & fact. lib. 9 cap. 4.*

 *curiæ*,

*curiæ, ornamenta fori, Quod ſcelus vindicare debuerant, lucri captura inuitati ſuis authoritatibus texerint.* This preſumption then of the aduerſaries rather maketh for vs, and miniſtrethe to vs good occaſion to *th*incke that the kinge vvolde not haſarde *the* vveight and importance of ſuche a matter, to reſte vppon the validitie or inualiditie of a bare teſtamēte onlie. By this that vve haue ſaide, we maye probablely gather, that the kinge had no cauſe to aduenture ſo greate an enterpriſe by a bare vvill and teſtamente. Ye ſhall nowe heare alſo vvhie vve thincke he did neuer attempte or entreptiſe any ſuche thinge. Yt ys vvell knowen, the kinge vvas not vvonte lightlie to ouerſlippe *the* occaſion of any greate commoditie preſentlie offered: And yet this not vvithſtādinge hauinge geuen to him by acte of parliamēte, the orderinge and diſpoſition of all chauntries and colledges, He did neuer or verye litle practiſe & execute this aucthorité. And ſhall vve thincke (oneles full and ſufficient proufe neceſſarilie enforce our creditt) that the kinge to his no preſēte comoditie and aduantage: but yet to his greate diſhonour, to the greate obloquie of his ſubiectes, and other cōtreyes, to the notable diſheriſon of

ſo

ſo manye of the nexte royall bloude, did vſe any ſuche auᵭhoritie, as ys ſurmiſed? Againe yf he had made any ſuche aſſignation: Who dowbtethe but that as he conditioned in the ſaide pretenſed vvill, vvith his noble dawghters to marrie vvith his counſailes advice, either elles not to enioye the benefitt of the ſucceſſion: He vvolde haue tied the ſaide Ladie Fraunces and Ladie Lenours heires to the ſame condition. Farthermore, I am driuen to thincke, that there paſſed no ſuche limitatiō by the ſaide kinge Henries vvill, by reaſon there ys not, nor vvas theis manye yeares any originall copie therof, nor any authenticall recorde in the chauncerie or elles vvhere to be ſhewed in all Englande, as the aduerſaries them ſelues confeſſe, and in the copies that be ſpredd abrode, the vvitneſſes pretended to be preſente at the ſighinge of the ſaide vvill be ſuche for the meanenes of theire ſtate of the one ſide, and for the greatenes and vveight of the cauſe on the other ſide, as ſeame not the moſt ſufficiēte for ſuche a caſe. The importance of the cauſe beinge no leſſe, then the diſheriſon of ſo manye heires of the crowne, As vvell from the one ſiſter as from the other, requirid and craued ſome one or other of the priuie counſaile,

*In this ſuppoſed will ys no condition for the mariage of they res of the Ladie Frāces, as is for the kīges ovvne dawghters.*

or ſome one honorable and notable pſon to haue bene pſente at the ſayd ſigninge: or that ſome notification ſhoulde haue bene made afterwarde to ſuche perſons by the kinge him ſelf, or at leaſte before ſome notarie and authenticall perſon, for the better ſtrengthninge of the ſaide will. Heare ys nowe farther to be conſidered, that ſeinge the intereſte to the crowne ys become a plaine teſtamētarie matter and claime, and dependethe vpon a laſte will, when and before what ordinarie this will was exhibited allowed and proued: Where and of whome toke the executours theire othe for the trewe performance of the will. Who committed to them the adminiſtration of the kinges goodes ād chattelles. When and to whome haue they browght in the inuētorie of the ſame, Who examined the vvitneſſes vpon theire othe for the tenour and trewthe of the ſaide teſtamente. Namelie vpon the ſignement of the kinges hande, wherein onlie conſiſtethe the vveight of no leſſe, then of the crowne yt ſelf: Where or in what ſpirituall or temporall cowrte maye one finde theire depoſitions. But yt were a verie harde thinge to finde that, that as farre as men can learne neuer was. And

*No order taken for the pbatiō of the ſuppoſed will.*

yet

yet yf the matter were ſo plaine, ſo good, and ſo ſownde, as theis mẽ beare vs in hãde, yf the originall teſtament had bene ſuche as might haue bydden the towcheſtone, the triall, the light and the ſight of the worlde: Whie did not theye that enioyed moſte cõmoditie thereby, ãd for the ſwaye and auctoritie they bare, might and owght beſte to haue done yt, take cõuenyent ãd ſuer order, that the originall might haue bene dewlie and ſaufelie preſerued, or at the leaſte, the ordinarie probate which ys in euerie poore mans teſtamẽte diligentlie obſerued, might haue bene procured or ſeen? One or other authenticall inſtrumente therof reſerued? The aduerſaries thẽ ſelues ſee well inowghe, yea and are fayne to cõfeſſe theis defectes, but to helpe this micheif they wolde faine haue the enrolemente in the chaunceriе to be taken for a ſufficiente probate, by cawſe as they ſaye, bothe the ſpirituall and temporall auctoritie did concurre in the kinges pſon. Yet do they knowe well inowghe that this plaiſter will not cure the ſore, And that this is but a pore helpe ãd ſhifte. For neither the lres patentes, nor the enrolemẽte maye in any wiſe be cownted a ſufficiẽte probate. The chaunceriе ys not the cowrte or ordinarie

*The enrolement in the chaunceriе ys no probation.*

narie place for the probate of vvilles, nor the rolles for recordinges the ſame. Botho muſte be done in the ſpirituall cowrtes, vvhere the executours alſo muſte be impleaded, and geue theire accompte, vvhere the weakenes or ſtrengthe of the will muſte be tried, the witneſſes examined. Finallie the probate and all other thinges therto requiſite diſpatched: or yf yt maye be done by any other perſon, yet muſte his auctoritie be ſhewed, the probate and all thinges muſte be done accordingelie. And amonge other thinges the vſuall clauſe of *Saluo iure cuiuſcunque* muſte not be omitted. Whiche thinges, I ame aſſuerid, the recordīge in the chauncerie can not importe, but this cautiō and prouiſo of *Saluo iure cuiuſcunque* (which ys moſte cōformable to all lawe & reaſon) did litle ſerue ſome mens turne. And therefore there was an other caution and ꝓuiſo, that thowghe the pooreſt mās teſtamēte in all Englād hath this prouiſo, at the ꝓbate of the ſame, yet for this teſtamēte the weighty eſte, I trowe, that euer was made in Englād, no ſuche probate or clawſe can be fownde either in the one or the other cowrte: Yet we nedes muſte, all this not with ſtādinge, be borne in hande and borne downe, that there

there was a teſtamente and wyll formablie framed accordinge to the purpoſe and effecte of the ſtatute: Yet muſte the right of the imperiall crowne of Englande be conveyed and carried awaye with the colour and ſhadowe onlie of a will, I ſaye the ſhadowe onlie, by reaſon of an other coniecture and preſumption vvhiche I ſhall tell you of. Which ys ſo liuelie and effectuall, that I verelie ſuppoſe yt wilbe veryę harde for any man by any good and probable reaſon, to anſwere and auoyde the ſame: And ys ſo importante and vehement, that this onlie might ſeame vtterlie to deſtroye all the aduerſaries coniecturall prouffes, concerninge the maintenance of this ſuppoſed will. We ſaye therefore and affirme, that in caſe there had bene any good and ſuer helpe and hand faſte, to take and holde the crowne for the heires of the Ladie Frances by the ſaide will, that the faction that vniuſtlie intruded the Ladie Iane eldeſt dawghter to the ſaide Ladye Frances, to the poſſeſſion of the crowne: vvolde neuer haue omitted to take, receaue, and embrace the occaſiō and benefitt therof, to them preſentlie offered.

They

They neyther wolde nor coulde haue bene driuen to ſo harde ād bare a ſhifte, as to colour theire vſurpatiō againſt the late Quene Marie onlie and our gratious Souereigne Elizabethe, withe the lettres patentes of kinge Edwarde the ſixte, and with the conſent of ſuche as they had ptocurid. Whiche kinge by lawe had no auctoritie (as yt ys notoriouſe) to make any limitation and aſſignatiō of the crowne, otherwiſe then the cōmon lawe dothe diſpoſe yt. Yt was neade for them I ſaye, as they procured ſuche lres patentes, ſo to haue ſett forthe alſo the ſaide pretenſed will, yf there had bene then any ſuche will in deede ſufficientlie and dewlie to be ꝓued, as ys nowe ſurmiſed there was. The recorde of the ſaide ſurmiſed will was in the chauncerie, whiche they might haue vſed with the pretenſed witneſſes, and with the originall pretenſed will, and with all other thinges therto belonginge to theire beſte aduantage. Yt can not be thowght, that either they were ignorāte of yt, or that they wolde forbeare and forgoe ſo greate a commoditie offered, and ſuche a plauſible pretexte of theire pretenſed vſurpatiō bearinge the countenance & auctoritie of the kinges will, and of the whole parliamente for

*A greate ꝑſumptiō againſt the ſuppoſed will, for that the late pretenſed Q. Iane, did not vſe the benefitt of the ſame againſt the Quene of Scotes and others.*

for the excluſion of the Quene of Scottes and others of the nearer royall bloud. Neyther can yt be ſaide, that the lettres patētes were made as yt were for a ſtronger corroboration and confirmatiō onlie of the ſaide p̄tenſed will. For that there is not ſo muche as one worde in theire whole pretenſed p̄clamation for the ſuppoſed right of the ſaide Ladie Iane by the force of that ſurmiſed will, Whereby yt might any thinge appeare, that kinge Hēnie the eight made any manner of limitation or aſſignation of the crowne to the heires of the ſaide Ladie Frāces. Wherevpon yt maye well be gathered, that either they knewe of no ſuche limitation to the children of the Ladie Frances by the ſaide ſuppoſed will, or toke yt to be ſuche as coulde geue no good and lawfull force and ſtrengthe to aide and mainteine theire vſurpatiō, for the manifeſte forgerie of the ſame. And therefore they purpoſelie (for ignorāce can not be pretēded in them) kepte backe ād ſuppreſſed in the ſaide lres patentes, this pretenſed limitation ſurmiſed to be made for the children of the ſaide Ladye Fraunces. which neuertheleſſe the aduerſaries do nowe vvithe ſo greate and vehemente aſſeueration blowe into all mens eares.

*See the p-clamation made the fiueteth of Iulie the firſt yere of her p̄teſed reygne.*

eares. Wiche ys vtterlie reiected and overthrowē and yt were by nothinge elles, but by this proclamatiō for the pretenſed title of the ſaide Ladie Iane. So that we neade to travaile no farther for any more prouf againſte the ſaide aſſeueratiō. But yet in caſe any man do loke for any other and more perſuaſion and prouff, which as I ſaide neade not, (ô the greate providence of God, ô his greate favour and goodnes to this realme, of the Whiche yt hathe bene ſaied, *Regnum Anglie eſt regnum Dei*, And that God hathe ever had a ſpeciall care of yt, ô his greate goodnes, I ſaie to this realme even in this caſe alſo) for he hathe opened and browght to light the verie trewthe of the Matter. Whiche ys burſte owte, thowghe never ſo craftelie ſuppreſed and kepte vnder. We ſaye then that the kinge never ſigned the pretēſed will with hys owne hāde neither do we ſaye yt by bare heare ſaie, or gather yt by our former coniectures and preſumptiōs onlie, thowge verie effectuall and probable, but by good and hable witneſſes that avouche and iuſtifie of theire owne certaine knowledge, that the Stampe onlie was put to the ſaide will, and that even when the kinge him ſelf was nowe deade.

*Polyd. l. 8.*

or

ordinīge and paſte all remembraunce, the Lorde Pagett beinge one of the privie conſaile with Quene Marie, of his owne free will ād godlie motiō for the honour of the realme, for reverence of trewthe & iuſtice, thowghe in the facte hym ſelf culpable, ād in a manner thereto by greate auᵭhorite forced; did firſte of all mē diſcloſe the matter. Firſte to the ſayde counſaile, ād then before the whole parliamēte. Syre Edwarde Montegewe alſo the cheif Iuſtice, that was privie and preſente at the ſaide doinges, did confeſſe the ſame as well before the counſaile, as before the parliamēte. Yea william Clarke aſcribed amonge other pretenſed witneſſes, cōfeſſed the p̄miſſes to be trewe. And that him ſelf putt the ſtampe to the ſaide vvill, and afterwarde purchaſed his charter of pardon for the ſaide facte. Vpon the vvhich depoſitions vvell and aduiſedlie vveyed and pondered, Quene Marie vvith the aduice of her counſaile, to the honour of God and this realme, to the maintenāce of trewthe and iuſtice, and the righfull ſucceſſion of the crowne, for the eſchewenge of manye fowle miſcheyffes that might vpon this forgerie enſewe, cawſed the recorde of the ſaide forged will remayninge in the chaunceric to be cancelled defaced and

*The forgerie of this ſuppoſed will, diſcloſed before the plemēt by the. L. Pagett.*

*A vvorthie deede for a Prīce to cancell falſe recordes.*

and aboliſhed, as not worthie to remaine amonge the trewe and ſincére recordes of this noble realme. Whiche her noble facte deſeruethe imortalitie of eternall prayſe ād fame: No leſſe thē the facte of the Romaines thar aboliſhed the name and memorie of the Tarquinians, for the fowle acte of Sextus Tarquinius in defilinge Lucrecia: No leſſe then the facte of the Epheſians, who made a law, that the name of the wicked Eroſtratus ſhoulde neuer be recorded in the bookes of anye theire hiſtoriographers. No leſſe then the facte of the famelie of the Manlians at Rome, takinge a ſoſolempne othe, that none amonge them ſhoulde euer be called capitolinus, by cauſe *M. Manlius Capitalinus* had ſowght to oppreſſe his contreye with tyrannie. And to come nerer home, no leſſe then our forefathers deſerued, which quite raſed owte of the yeares and times, the memorie and name of the wicked Apoſtates Oſricus and Eanfridꝰ, numbringe theire tyme vnder the reigne of the good kinge Oſwaldus. The aduerſaries therefore are muche to be blamed, goinge abowte to ſtaine ād blotte the memorie of the ſaide Quene and magiſtrates, as thowghe they had done this thinge di-

*Cice. 3. off.*

*Sueton. de viris illuſtr.*

*Bed. lib. 3. hiſtor. eccle. ca. 1.*

diſorderlie, and as thowghe there had bene ſome ſpeciall commoditie therein to them which is apparentlie falſe, for as the ſaide abolition vvas nothinge beneficiall to other magiſtrates: So yf yt had bene à trewe and an vndowbted will, the ſaide Quene wolde never haue cauſed yt to be cancelled, aswell for her honour and conſcience ſake, as for priuate reſpecte, ſeinge her owne royall eſtate was by the ſame ſett forthe and confirmed. Yet wolde they fayne blemiſhe & diſgrace the teſtimonye of the ſaide lorde Pagett, and Sir Edwarde Montigewe, they ſett agaynſte them eleven wytneſſes, thynckinge to matche and overmatche them with the nombre. But heare yt muſte be remẽbred, that thowghe they be eleven, yet they are to fleder and weake for the weyght and importance of the matter. Yt ys agayne to be remembred that often times the lawe dothe aſwell wey the creditt, as nomber the perſons of the wytneſſes, Alias (ſayeth *Caliſtratus*) *numerus, alias dignitas & authoritas, confirmat rei de qua agitur fidem.* Accordynge to this ſaiet hallo *Arcadius.* (*confirmabit iudex motum animi ſui ex argumentis & teſtimonijs que rei aptiora & vero proximiora eſſe compererit, non enim ad multitudi-*

*l. Teſt. ff. de teſtib. l. Ob carmen ibid.*

*nem reſpicere oportet, ſed ad ſinceram teſtimoniorũ fidem, & teſtimonia quibus potius lux veritatis aßiſtit.* Yt hathe not lighthe bene harde or ſeen, that men of luche ſtate and vocation in ſo greate & weighthie a cauſe, wolde incurre firſte the diſpleaſure of god, thẽ of theire Prince, ád of ſome other of the beſte ſorte yf theire depoſitiõs were vntrewe, and wolde purchaſe thẽ ſelffes diſhonour, ſlaunder, and infamie. Yea diſcloſe theire owne ſhame to theire owne no manner of weye hoped cõmoditie, nor to the commoditie of other theire frendes, or diſcõmoditie ád hurte of theire enemies. This ſufficiẽthe dothe purge them, I will not ſaye of theire facte and faulte, yet from all ſiniſter ſuſpition for this theire depoſition and teſtimonie: theire depoſitiõ proceadinge, as yt plainlie ſeamethe from no affection, corruptiõ or parcialitie, but from a zeale to the trewthe, and to the honour of the realme. And thowghe parchance yf they had bene therof iudiciallie cõuicted and condempned, and had not by devve penaunce thẽ ſelves reformed, ſome exceptions might have bene layed againſte thẽ by any prie iudiciallie convicted for his better advantage. Yet as the caſe ſtandethe nowe, there ys no cawſe in the worlde to diſcre

*No iuſte cauſe to repell the teſtimonie of the Lorde Pagett ād others.*

diſcredit theire teſtimonie : Yea and by the vvaye of accuſation alſo ſuche perſons as be otherwiſe diſhablet, are in treaſon, ād other publike matters tovvchinge the ſtate enhabled bothe to accuſe and teſtifie. As for the eleven vvitneſſes, the beſte of them, Syre Iohan Gates, we knovve by what meanes ys departed owte of this life. One other the ſaide willim Clarke ys ſo gone from them, that he geveth good cauſe to miſdeame and miſtruſte the Whole matter. Hovve manie of the reſidevve live I knovve not. To whō parchance ſome thinge might be ſaide yf vve ons knowe what thē ſelues ſaye. Which ſeinge yt dothe not by authenticall recorde appeare, bare names of dūme witneſſes can in no wiſe hinder and deface ſo ſolempne a teſtimōnie, of the foreſaide Lorde Pagett and Syre Edvvarde Mountagevve. Neither ys the difficultie ſo greate as the aduerſaries pretende, in provinge *negatiuam facti*: Which as we grante yt to be trevve, vvhen yt ſtandethe vvithin the limittes of a mere negatiue, ſo beinge reſtrained and referred to time and place, maye be aſvvell proved as the affirmatiue. Yt appearethe novve then by the prēmiſſes, that the adverſaries argumētes, wherby they wolde weakē and

*l. famoſi ff. ad l. iul mareſci. l. mulier. ff. de accuſa.*

*Hovve a negatiue maye be proued.*

*Glo. & doct. c. bonæ de eles.*

diſcreditte the teſtimonie either of the witneſſes, or of the executours, that haue or maye come in againſt the ſaide ꝑtēſed vvill, are but of ſmall force and ſtrengthe. And eſpeciallie theire ſlender exaggeration by a ſuperficiall rethoricke enforced: wherebye they wolde abuſe the ignorāce of the people, and make them beleue, that there was no good and ſubſtanciall proufe browght furthe againſte the forgerie of this ſuppoſed will, bycauſe the vntrewthe of the ſame was not preached at Pawles croſſe, and declared in all open places and aſſembles throwghe the realme. When they knowe well inowghe that there was no neceſſitie ſo to do. And that yt was notoryouſlie knowen by reaſon yt was diſcloſed by the ſaide Lorde Pagett, as well to the counſaile, as to the hier and lower howſe of the parlemente. And the foreſaide forged recorde in the chauncerie thervpon worthelie defaced and abolithed. The diſcloſinge Wherof ſeinge yt came forthe by ſuche, ād in ſuche ſorte and order as we have ſpecified: As yt dothe nothinge deface or blemiſhe the teſtimonie geven againſte the ſaide ſuppoſed will, whether yt were of anye of the witneſſes, or executours: ſo ys there no neade at all

*A ſuppſici allrethoricke of the aduerſarie*

*Howe & whē the later teſtimonyys to be accepted before the former.*

all, whye anye other witneſſes beſides thoſe that have alredie impugned the ſame ſhoulde be nowe farther producted. I denie not but, that yf any ſuche witnes or executour had vpon his othe, before a lawfull Iudge depoſed of his owne certaine notice and knowledge that the ſaide will was ſigned with the kinges owne hande, In caſe he ſhoulde afterwarde cõtrarie and revoke this hys ſolempne depoſition, yt owght not lightlie to be diſcredited for any ſuche contradiction aftervvarde happeninge. But as I haue ſaide, ſuche authenticall and ordinarie examinations and depoſitions we finde not, nor yet heare of any ſuche ſo paſſed. Novve contrarivviſe yf anye of the ſaide Witneſſes or executours haue or ſhall before a competente Iudge, eſpeciallie not producted of any partie, or againſt any partie for any private ſuite commenced, but as I haue ſaide, moved of conſcience onlie and of a zeale to trevvthe, and to the honour of God and the realme, frelie and voluntarily diſcover and detecte ſuche forgerie (althovvghe parchance yt tovvchethe them ſelues for ſome thinge donne or ſaide of them to the contrarie,) or beinge called by the ſaide competente iudge (haue or ſhall

declare and teſtifie any thinge againſt the ſame, this later teſtimonie maye be vvell credited by good reaſon and lawe. Where as novve they vvolde inferre, that either this pretenſed vvill vvas kinge Henries vvill, or that he made none at all, I do not as I haue ſaide intende nor neade not curiouſlie to examine & diſcuſſe this thinge, as a matter not apparteyninge to our principall purpoſe. And vvell yt maye be, that he made a vvill conteininge the vvhole tenour of this pretenſed vvill (ſauinge for the limitation of the crowne) and that theis ſuppoſed witneſſes vvere preſente, either vvhen he ſubſcribed the ſame vvith his owne hande, or vvhen by his commandemente the ſtampe (of the vvhich and of his ovvne hande, the commō ſorte of men make no difference, as in deede in diuerſe other caſes there ys no difference, which theis vvitneſſes might take to be as yt vvere his ovvne hande) vvas ſett to the vvill. This I ſaye might after ſome ſorte ſo be, and yet this not vvithe ſtandinge there might be (as there vvas in deede) an other vvill towchinge the pretenſed limitation of the crowne by the kinges owne hāde counterfeited and ſubborned after his deathe falſelie and colorablie

blie, bearinge the countenance of his owne hande, and of the pretenſed witneſſes names. Hovve ſo euer yt be, yt ys but to ſmall purpoſe, to goe abovvte any full and exquiſite anſvvere towchinge this pointe, ſeinge that neither the originall ſurmiſed vvill, Whetof theis vvitneſſes are ſuppoſed to be priuie ys extant, nor theire depoſitions any vvhere appeare, not yet that yt appearethē that euer they vvere (as vve haue ſayde) iudiciallie examined. Seinge nowe then, that yt ſo fallethe ovvte that the principall vvill, and that that vvas by the greate ſeale exemplified, and in the chaunceric recorded, had not at (leaſte towchinge the clawſe of the limitation and aſſignemēte of the crowne) the kinges hande to yt: We neade not, nor will not tarrie abowte certaine ſcrowles and copies of the ſaide will, that the aduerſaries pretende to haue bene either vvritten or ſigned with his hande. A kingdome ys to heauie to be ſo eaſelie carried awaye by ſuche ſcrowles and copies. When all this faylethe, the aduerſaries haue yet one ſhifte lefte for the laſte caſte: they vrge the æquitie of the matter, & the minde of the plaintēt: Which ys, they ſaye, accompliſhed and ſatiſffed

by makinge this aſſignation, for the eſtabli-
ſhinge of the ſucceſſion, and prouidinge
that the realme ſhoulde not be lefte voyde
of a gouernour. And therefore we muſte
not ſubuerte the ſtatute in cauillinge for
the defecte of the kinges hande. For as
muche as the parliamente might haue had
aucthoriſed his conſente onlie withowte
any hande writinge. Whiche as I do not
denie, ſo in theis greate affaires ād ſo ample
a comiſſion in ſuche abſolute aucthoritie
geuen to him, yt was prouidentlie and ne-
ceſſarilie foreſeen to binde the acte to the
kinges owne hande, for auoydinge all ſiniſ-
ter and euill dealinge, *the* whiche the ad-
ſaries wolde hauevs in no caſe to miſdowte
or miſtruſte of the facte, and the lamētable
euente of thinges do openlie declare the
ſame, ād pitifullie criethe owte againſte yt.
Neither will we grante to them that the
minde and purpoſe of the parliament ys
ſatiſfied, for ſuche cauſes as we haue and
ſhall hereafter more largelie declare. And
yf yt were otherwiſe trewe, yet dothe this
onlie defecte of the kinges hande, breeke
and infringe the whole acte. For this ys a
ſtatute correctorie and derogatorie to the
common cowrſe of the lawe, as cuttinge

*Whye the ſtampe cā not counteruaile the kinges hande in this caſe.*

awaye

awaye the ſucceſſion of the lawfull and trewe inheritours. yt ys alſo as appearethe by the tenour of the ſame a moſte greauouſe penall lawe, and therefore we maye not ſhifte or alter the wordes of the lawe: Neither maye we ſupplie the manner and doinge of the acte æquialēte. So that albe yt in ſome other thinge, the ſtampe or the kinges certaine and knowen cōſente maye counterpaiſe his hande: Yet as the caſe ſtandethe here, yt will not ſerue the turne, by reaſon there ys a preciſe order and forme præſcribed and appointed. Wherfore yf by a ſtatute of a citie, there be certaine perſons appointed to do a certaine acte, and the whole people do the ſame acte in the preſence of the ſaide perſons, the acte by the iudgement of learned ciuilians, ys viciouſe and of no valewe: Yea thowghe the reaſon of the lawe ceaſe, yet muſte the forme be obſerued. For yt ys a rule and a maxime, that where the lawe appointethe and preſcribethe a certaine platt forme, whereby the acte muſte be bownde and tied, in that caſe thowghe the reaſon of the lawe ceaſe, yet ys the acte voyde ād nowght. And where as the aduerſaries obiecte againſt this rule the parliamentes made by Quene Marie with

*Ioā. And. ī adit. ſpecul. tit. de requiſitis conſil. ad finem.*

*L. ſi fund⁹ ff reb⁹ eorū cap. 1. de rebus eccl. in 6.*

owte

*An answere to the aduerſaries touchinge actes of parliament, that they alleage to prove that the kinges owne hade vvas not neceſſarie to the ſuppoſed will.*

owte the vſuall ſtile called and ſomoned, this obiection maye ſone be anſwered. For yt maye ſone appeare to all them that reade and peruſe the laide ſtatute of *An.* 35. *Henrici octaui*, conteininge the ſaide ſtile, that by any eſpeciall wordes therein mentioned, yt ys not there limited and appointed, that the forme of the ſtile therein ſett forthe ſhould be obſerued in euerie vvritt. And therefore not to be compared vnto the ſaide ſtatutes of 28 & 35. *Henrici octaui*. Wherein by ſpeciall vvordes one expreſſe forme and order for the limittinge of the ſucceſſion of the crowne by the kinge ys declared and ſett furthe. Beſides that the laide writtes beinge made bothe accordinge to the auncient forme of the regiſtre, and alſo by expreſſe cõmaundement of the Prince vtterlie refuſinge the laide ſtile coulde, neyther be derogatorie to the ſaide Quenes Maieſtie and her crowne, nor meaninge of the ſaide ſtatute. Concerninge the ſaide ſtile, and for a finall and full anſwere vnto this matter: Yt ys to be noted, that the vvrittes beinge the actes of the cowrte, thowghe they vvant the pſcripte forme ſett furthe either by the common lavve, or ſtatute: Yet are not they, nor the iudgementes ſubſequent therupon

abated

abated or voyde, but onlie abatable ād voydable by exceptiō of the ptie, by iudgemēte of the cowrte. For yf the ptie withowte any exception do admitt the forme of the ſaide writt, and pleade vnto the matter, Whervpō the covvrte dothe procede, then dothe the writt and the iudgement thervpon followynge remaine good and effectuall in lawe. And therefore admittīge that the ſaide ſtatute of 35. H. 8. had by ſpeciall vvordes, appointed the ſaide ſtile to be put in euerie writt, & that for that cauſe the ſaide writtes of ſomons vvere vitious vvantinge theire preſcript forme, yet vvhen the parties vnto the ſaide vvrittes had admitted them for good, bothe by theire election and alſo by theire apparance vpon the ſame, the lavve dothe admitt the ſaide writtes and all actes ſubſequente vpon the ſame to be good and effectuall. And yet this makethe no prouf, that therefore the ſaide ſuppoſed vvill vvāthinge the p̄ſcript order and forme ſhoulde likevviſe be good and effectuall in lavve. For as tovvchinge ſpecialties, eſtates, and conueyances or any other externall acte to be done or made by any p̄ſon, whoſe forme and order ys p̄ſcribed either by the cōmon lawe or by ſtatute, yf they wante anye parte of theire p̄ſcripte forme, they are accōpted

18. E. 3. fol. 30. 3. H. 4. fo. 3. & 11. 11. H. 4. fol. 67. 9, H. 6. fol. 6. 19, H. 6. fol. 7. & 10. 35 H. 6. fol. 12. 10, H. 6: fol. 26. 3, H. 6: fol. 8. 33, E. 3: 13. Vide prieſott. 33 H. 6: fol. 35.

in lawe to be of no validitie or effecte. As for example, the lawe dothe appointe euerie ſpecialtie or deede to be made either in the firſte perſon or in the thirde perſon. Therefore yf parte of a deede be made in the firſte perſon, and the reſidewe in the thirde perſon, that deede ys not effectuall, but voide in the lawe, beſides that the lawe hathe appoynted, that in euerie deede mention ſhoulde be made that the partie hathe putto his ſeale to the ſame. Yf therefore any deede dothe wante that ſpeciall clauſe and mention, althowghe the partie in deede hathe putt his ſeale vnto the ſame, yet ys that deede or ſpecialtie voyde in lawe. So likewiſe the lawe geuethe auctoritie vnto the Lorde to diſtraine vpon the lande holden of him for his rentes and ſeruices devve for the ſame, and farther dothe appointe to carrie or driue the ſame diſtreſſe vnto the povvnde, there to remaine as a gage in lavve for his ſaide rentes and ſeruices. Yf the Lorde ſhall either diſtraine his tenaunte owte of his Fee or ſeignorie, or yf he ſhall labour & occupie the chattelles diſtrained, The diſtreſſe ſo taken by him ys iniuriouſe and vvrongfull in lavve. For as muche as he hathe not done accordinge to

*9 H.6.fo. 35. 35 H. 6.fol.34. 40 Ed. 3: fol.2. 40. E. 3. fo.2.21 E. 4.fol.97. 7 H.7, fo. 15. 9.E.4:fo. 2.22E.4. fo.47. 29 H. 6. fol. 6. 29.li.Aſſiar. P.64*

the preſcribed order of the lavve. The ſtatute made Anno 32.H.8. geuethe auᶜthoritievnto tenāte in tayle,and to othersbeinge ſeaſed of lande in the right of theire vviues or churches, to make leaſes of the ſame. Wherein alſo a preſcripte order and forme for the ſame ys ſett forthe: Yf any of the ſaide perſons ſhall make any leaſe, wherein he dothe not obſerue the ſame preſcribed order in all pointes, the ſame leaſe ys not vvarented in any point by the ſaide ſtatute. Likevviſe the ſtatute made in Anno 27. H.8. of bargaines and ſales of lāde,appointethe a forme and order for the ſame, that ys,they muſte be by vvritinge indēted, ſealed,ād enrolled vvithin ſixe monethes next after the dates of the ſame vvritinges, Yf any bargaine and ſale of lande be made vvherein any of the thinges appointed by the ſaide ſtatute are omitted,the ſame ys vitious ād voide in the lavve. So likevviſe the ſtatute made in An.32.H.8.geaueth auᶜthoritie to diſpoſe lādes and tenemētes by laſte vvill and teſtamente in vvritinge. Yf a man do demiſſe his lāde by his laſte vvill & teſtamēte nuncupatiue vvithovvte vvrittinge, this demiſe is inſufficiēte in lavve, ād ys not warranted by the ſaide ſtatute. We leue of a nomber

27. *H.* 8. *cap.*10.

32. *H.* 8. *cap.*1.

nomber of like caſes that we might multiplie in the proufe of this matter: Wherein vve haue tarried the longer by cauſe the aduerſaries make ſo greate a countenãce therevpon. And by cauſe all vnder one, yt maye ſerue for the anſvvere alſo tovvchinge the kinges royall aſſente to be geven to parliamentes by his lettres patentes ſigned vvith his hande: Which ys nothinge elſe but a declaration and affirmãce of the cõmon lawe. And no newe auctoritie geven to him to do that he coulde not do before, or any forme preſcribed to binde him vnto. Beſides that in this caſe, there ys no feare in the worlde of forginge and counterfeytinge the kingeshande. Where as in the teſtamentarie cauſe yt ys fatre other wiſe, as the worlde knovvethe, and dailie experience teacheth. And ſo with all do vve conclude that by reaſon this ſurmiſed will was not ſigned with the kinges hande, yt can not any vvaye hurte or hinder the iuſte right ād clayme of the Quene of Scotlande, to the ſucceſſion of the crovvne of Englande. Nowe ſuppoſinge that neither the Lorde Pagett, nor Syre Edvvarde Mountegevve ād willim Clarke had teſtified or publiſhed any thinge to the infringinge and overthrow

throwinge of the aduerſaries aſſertiō, towchinge the ſiguinge of the ſaide will: Yet ys not therebye the Quene of Scotlandes title altogether hindered. For ſhe yet hathe her iuſte ād lawfull defēce for the oppugninge of the ſaide Aſſertion, aſwell againſte the perſōns and ſaienge of the witneſſes, yf any ſhall come forthe, as otherwiſe ſhe maye iuſtlie require the ſaide will to be browght furthe to light, and eſpeciallie the ſigninge of the ſame vvith the kinges hande, to be dewly and conſideratelie pondered, weied, and conferred. She hathe her iuſte defence and exceptions, and muſte have. And yt were againſt all lawes, and the lavve of nature yt ſelf, to ſpoile her of the ſame. And all good reaſon geavethe, that the ſaide originall will ſtandinge vpon the triall of the kinges hande be exhibited, that yt maye be compared vvith his other certaine and well knowen hande writinge, and that other thinges maye be done requiſite in this behalf. But yet all this not withſtandinge, lett vs nowe imagine and ſuppoſe, that the kinge him ſelf (whoſe harte and hande were dovvbteleſſe farre from any ſuche doinges) Lett vs yet I ſaie admitte, that he had ſigned the ſaide will

with

vvith his ovvne hande: Yet for all that, the aduerſaries parchance ſhall not finde, no not in this caſe, that the Quenes iuſte title right and intereſte dothe any thinge fayle or quayle. Or rather lett vs vvithovvte any perchance ſaye, the iuſtice and equitie of her cauſe, and the invincible force of trevvthe to be ſuche, that neither the ſtampe nor the kynges ovvne hande can beare and beate yt dovvne. Which thinge we ſpeake not vvith ovvte good probable and vveightie reaſons. Neither do vve at this time minde to debate and diſcovvrſe, vvhat povver and auᵭhoritie, and howe farre the parlamente hathe yt in this and like caſes, Which parchance ſome other vvolde here do. We vvill onlie intermedle vvith other thinges, that reache not ſo farre nor ſo highe, and ſeame in this our preſente queſtion vvorthie and neceſſarie to be conſidered. And firſte before we entre into other matters, vve aſke this reaſonable and neceſſarie queſtion. Whether theis generall vvordes, vvhereby this large and ample auᵭhoritie ys conueyed to kinge Henrie muſte be as generallie, and as amplie taken, or be reſtrained by ſome manner of limitation, ād reſtriᵭion agreable to ſuche

*The ſuppoſed will cā not preiudice the Q. of Scottes thovvghe yt had bene ſigned vvith the Kinges ovvne hande.*

minde

mynde and purpoſe of the parliamente, as muſte of verie neceſſitie or greate lykelyhodde be conſtrued to be the verye mynde and purpoſe of the ſayde parliamente. Ye will ſaye perchance, that the power and auᵭhoritie of aſſignation muſte be taken generallie and abſolutelie withowte exception, ſauinge for the owteward ſigninge of the will. Trewthe yt ys, there ys nothynge elles expreſſed: But yet was there ſome thinge elles principallie intended, and yet for all that, neaded not to be ſpecified. The owteward manner was ſo ſpeciallie and preciſelie appointed and ſpecified to auoide ſuſpitious dealinge, to auoide corruption and forgerie: And yet vvas the vvill good and effectuall vvithowte the kinges hande: Yea and the aſſignation to had bene good, had not that reſtrainte of the kinges hande, bene added by the parliamente. But for the qualification of the perſon to be limited and aſſigned, and ſo for the neceſſarie reſtriction and limitation of the vvordes, were they neuer ſo large and ample, there ys, thowghe nothinge were ſpoken therof, an ordinarie helpe and remedie otherwiſe. Yf the realme had bene ſet ouer to

*there muſt nedes be ſome qualification adreſtrait of the generall words of the ſtatute.*

a furious, or a made man, or to an ideot, or to ſome forraine, ād Machometicall Prince (and to ſuche a one our ſtories teſtifie that kinge Iohñ vvolde haue ſubmitted him ſelf and his realme) or to any other notoriouſe incapable or vnable perſon. The generaltie of the vvordes ſeame to beare yt: But the good mynde and purpoſe of the pliamente, and mans reaſon do in no wiſe beare yt. Yf ye graunte that theis wordes muſte nedes haue ſome good and honeſte conſtruction and interpretation (as reaſon dothe force you to graũte it) Yet will I aſke farther, whether as the kinge cutt of in this pretenſed will the whole noble race of the eldeſte ſiſter, ād the firſte iſſewe of the yongeſte ſiſter: So yf he had cutt of alſo all the offſpringe aſwell of the ſayde yõgeſte ſiſter, as of the remnante of the royall bloude, ād placed ſome beīge not of the ſayde bloude, and perchance othervviſe vnable, this aſſignation had bene good ād valable in lavve, as cõformable to reaſon, and to the mynde and purpoſe of the parliamente. Yt vvere ſuerlie to greate an abſurditie to graunte yt. There muſte be therefore in this matter ſome reaſonable moderation and interpretation as vvell towchinge the perſons com-

*Matheus pariſienſis in Ioan-ne.*

pre-

ꝑhended vvith in this aſſignatiō and theire qualities, and for the perſons alſo hauinge right, ād yet excluded: As for the manner of the doinge of the acte, ād ſigninge the will. For the kinge as kinge coulde not diſpoſe the crowne by his vvill. And was in this behalfe but an arbiter and comiſſioner. Wherfore his doinges muſte be directed ād ruled by the lawe, ād accordīge to the good mīde ād meaninge of thoſe that gaue the auctoritie. And vvhat theire mynde vvas, yt vvill appeare well inowghe euen in the ſtatute ye ſelf. Yt vvas for the auoidinge of all ābiguities, dowbres, and diuiſions towchinge the ſucceſſiō. They putt theire whole truſte vpō the kīge, as one whome they thovght moſt earneſtlie to mynde the vvealthe of the realme, as one that vvolde and coulde beſte and moſte prudentlie conſider and weighe the matter of the ſucceſſion, and prouide for the ſame accordinglye. Yf the doynges of the kinge do not plainlye and euidentlye tende to this ende and ſcope, yf a zelous mynde to the common welthe, yf prudence and vviſdome did not rule and meaſure all theys doinges: but contrarye wiſe parciall affection & diſpleaſure, yf this arbitremēte puttethe not awaye

all contentions and ſtriffes, yf the mynde ād purpoſe of the honorable parliament be not ſatisfied, yf there be dishonorable deviſes & aſſignimentes of the crowne in this will and teſtamente, yf there be a nevve ſucceſſion vnnaturallie deuiſed. Finally yf this be not a teſtamēte and laſte will, ſuche as Modeſtinus definethe: *teſtamētum eſt iuſta voluntatis noſtræ ſententia, de eo quod quis poſt mortem ſuam fieri velit*. Then thovvghe the kinges hande were put to yt, the matter goeth not al together ſo vvell and ſo ſmothe. But yet there ys good and greate cauſe farther to cōſider and debate vpō yt. Whether yt be ſo or no, lett the indifferente, When theye haue well thowght vpon yt, iudge accordinglie. The adverſaries them ſelues can not altogether denie, but that this teſtamēte ys not correſpondente to ſuche expectation, as men worthelie ſhoulde haue of yt. Which thinge they do plainlie confeſſe: for in vrginge theire preſumptions, wherof we have ſpoken, and myndinge to proue that this will, which they ſaye is cōmonlie called kinge Henryes will, was no newe will deuiſed in his ſicknes, but eavē the verie ſame, Where of (as they ſaye) vvere dyvers olde copies. Theye inferre theis Wordes, ſaienge thus

*l. 1 ff qui teſtamenta facere.*

*The definitiō of a teſtament.*

thus:For yf yt be a newe will then deviſed, Who coulde thincke that either hym ſelf wolde,or any man durſte haue moved him, to putt therein ſo many thinges contrarie to his honour:muche leſſe durſte they them ſelves deviſe any newe ſucceſſion ,or moue hym to alter yt otherwiſe then they founde yt,when they ſawe that naturallie yt coulde not be otherwiſe diſpoſed. Wherein they ſaie very trewlie:For yt ys certaine that not onlie the cõmon lawe of this realme, but nature yt ſelf tellethe vs,that the Quene of Scotlãd(yf our gratious Souereigne ſhoulde happen to dye hauinge no heyres of her dodie)ys the next and right full heire of the crowne. Wherefore the kinge,yf he had excluded her, he had done an vnnaturall acte. Ye will ſaye he had ſome cauſe to do this,by reaſon ſhe was a forrainer ãd borne owte of the realme,yet this not with ſtãdinge he did very vnnaturally, Yea vnadviſedlie,inconſideratelie and wrongfullie,and to the greate prejudice and daunger of his owne title to the crowne of Fraunce, as we haue alredie declared. And more over,yt ys vvell to be vveighed,that reaſon and æquitie,and *ius gentium* dothe require and crave: That as the kinges of this realme wolde

thincke them ſelues to be iniuriouſlie hãdled and openlye vvronged, yf they marrienge vvith the heires of Spayne, Scotlande or any other contrey (vvhere the ſucceſſion of the crovvne deuoluethe to the vvoman) vvere ſhutt ovvte and barred from theyre ſayde right devve to them by the vviues (as vve haue ſayde) So likevviſe they ovvght to thincke of vvomen of theire Royall bloude, that Marrie in Scotlande: that they maye vvell iudge and take them ſelues muche iniured, vnnaturallye and vvrongfullye delt vvith all, to be thruſte from the ſucceſſion of this crowne, beinge therto called by the nexte proximitie of the Royal bloude. And ſuche deuolution of other kingdomes to the crowne of Englande, by forraine mariage, might by poſſibilitie oftimes haue chaunced, and vvas eauen nowe in this our time verye like to haue chaũced for Scotlande, yf the intended mariage vvith the Quene of Scottes that novve ys, and the late kinge Edvvarde the ſixte vvith his longer life, and ſome iſſevve had taken place. But novve that ſhe ys no ſuche forrainer, as ys not capable of the crovvne, We haue at large alredye diſcuſſed. Yea I

vvill

vvill nowe ſaye farther, that ſuppoſinge the parliamente mynded to exclude her and migh rightfullye ſo do, and that the kinge by vertue of this ſtatute did exclude her in his ſuppoſed vvill: Yet ys ſhe not a plaine forrainer, and incapable of the crowne. For yf the lavvfull heires of the ſayde Ladye Frances, and of the Ladye Elenour ſhoulde hapen to fayle, vvhich ſeame nowe to faile at the leaſte in the Ladye Katherine and her iſſue (for vvhoſe title ſo greate ſturre hath latelye bene) by reaſon of a ſentence diffinitiue lately geauen againſte a pretenſed matrimonie of the ſayde Ladye vvith the Erle of Harforde, by my Lorde of Canterburie and other commiſſioners, then ys there no ſtaye or ſtoppe either by the parliament, or by the ſayde ſuppoſed will: But that ſhe the ſayde Quene of Scotlande and her heires, maye haue and obtayne theire iuſte title and claime. For by the ſayde pretenſed vvill yt ys limited, that for defaulte of the lavvfull heires of the ſayde Ladyes Frances and Elenour, that the crovvne ſhall remayme and cõme to the next rightfull heires. But yf ſhe ſhall be ſayde

to be a forrainer for *the* time, for *the* induc-
tion of farther argumente: Then what ſaye
the adv̄ſaries to my Ladie Lénoux borne at
Herbotell in Englande, and from thertene
yeares of age browght vppe alſo in Englād
and cōmonlie taken and reputed aſwell of
the kinge and nobilitie, as of other the law-
full nece of the ſaide kinge. Yea to turne
nowe to the other ſiſter of the kinge mar-
ried to Charles Brandon Duke of Suff. and
her children the Ladie Fraunces, and the
Ladye Elenour. Whye are they alſo diſheri-
ted? Suerlie yf there be no iuſte cauſe, nei-
ther in the Ladye Lénoux, nor in the other,
yt ſeamethe the kinge hathe made a plaine
donatiue of the crowne. Which thinge
vvhether he coulde do, or vvhether yt be
conformable to *the* expectation of the par-
liamente, or for the kinges honour, or for
the honour of the realme, I leaue yt to the
further conſideration of other. Nowe what
cauſes ſhoulde moue *the* kīge to ſhutt them
owte by his pretenſed will, from the title
of the crowne, I mynde not, nor neade not
(eſpeciallie ſeinge I take no notice of any
ſuche will towchinge the limitation of the
ſaide crowne) here to p̄ſequute or examin.
Yet am I not ignorante what impedimētes
many

many do talke of, ād ſome as well by prīted as vnprīted bookes do write of. Wherein I will not take vpon me any aſſeueratiō, any reſolution or iudgement. Thys onlie will I propownde, as yt were by the vvaye of cō-ſideration dewly and deaplye to be wayed and thowght vpō: That ys for as muche as the benefitt of this ſurmiſed will tendethe with the extruſion of the Quene of Scotlād and others altogether to the iſſewe of the Frenche Quene, whether in caſe the kinge had no cauſe to be offended with his ſiſters the Frenche Quenes children (as the aduerſaries them ſelues cōfeſſe he had not) and that there was no lawfull impedimēte in them to take the ſucceſſiō of the croune, yt were any thinge reaſonable, or euer was ones mente of the parliamente, that the kinge withowte cauſe ſhoulde diſherite ād exclude them from the title of the crowne. On the other ſide yf there were anye ſuche impedimente (Wherof this ſurmiſed will geuethe owte a greate ſuſpition) yt ys to be conſidered, whether yt ſtandethe with reaſon and iuſtice, vvith the honour of the kinge, and the whole realme, or vvith the mynde, purpoſe, and intente of the ſaide pliamente, that the kinge ſhoulde not onlie

fruſ-

l. ſi pater ff. quo in fraud. credit. l. filij famil. ff. de donat.

fruſtrate ād exclude ſuche, vvhoſe right by the cōmon lavve ys moſte evidente and notorious, but call and ſubſtitute ſuche other, as by the ſame lavve are plainelie excluded. In conſideration

l. 1. C. quæ res pign. l. obligationem ff. de pignor. c. in general. de regul. iuris in 6.

wherof manie notable rules of the cyuill lavve do concurre: Firſte that whoſover gevethe any man a generall auc-

In giuinge generall aucthority that ſeameth not to be cōpriſed that the ptie vvolde not haue graunted being ſpecially demanded.

thoritie to do any thinge, ſeamethe not to giue him aucthoritie to do that thinge which he vvolde not haue graunted, yf his mīde therein had bene ſeverallie and ſpeciallie aſked and required. A-

l. promittēdo cū notat. ibid. ff. de iure dotium.

gaine generall wordes eyther of the teſtatours, or of ſuche as make any contracte, and ſpeciallie of ſtatutes towchinge any perſons to do or enioye any thinge, ovvght to be reſtrained and re-

l. quidam ff. de verb. ſignific.

ferred to hable, mete, and capable perſons onlie. Yt ys further more a rule ād a principle, that ſtatutes muſte be ruled

l. vt gradat. §. 1. de muner. & honor.

meaſured ād interpreted accordinge to the minde and directiō of the generall and cōmon lawe. Wherefore the kinge

Generall vvordes muſte be referred to hable perſons.

in limitinge the ſucceſſiō of the crovne in this ſorte, as ys prætended, ſeamethe not to anſwere and ſatisfie the expecta-

l. 2. C. de Nopal.

tion

tion of the parliamente, puttinge the caſe there were any ſuche ſurmiſed impedimēt, as alſo on the other ſyde likewyſe yf there were no ſuche ſuppoſed impediment. For here an other rule muſte be regarded, which ys that in teſtamentes, contractes, and namelie in ſtatutes, the generalitie of wordes muſte be gentilie and cyvilie moderated ād meſured by the common lavve, and reſtrained, when ſo euer any man ſhoulde by that generalitie take any dōmage and hurte vndeſervinglie. Yea the Statute ſhall rather in that caſe ceaſe and quaile, and be taken as voyde. As for example yt appeareth by the ciuill lavve, that yf yt be enacted by Statute in ſome cities, that no man ſhall pleade againſte an inſtrumente, no not the executours: Yet this not withſtandinge, yf the executour make a trevve and perfecte inuentorie of the goodes of the teſtatour, yf he deale feaithfullie and trewlie, rather then he ſhoulde vvrongfullye and with oute cauſe paye the teſtatours debte of his owne, he maye come and pleade againſte the inſtrumente. Wherfore the kinges doinges ſeame either muche defectiue in the ſaide Ladie Frances

*l. Fin §. in cōputatione C. de iure de liber. & ibi notat. Alciat. l. 1. verb. ſig.*

and

and Ladye Elenour, or muche exceſſiue in theire childrē. And ſo thowghe he had ſigned the ſayde will with his hande, yet the ſaide doinges ſeame not cōformable to the mynde and purpoſe of the parliamente. We vvill nowe goe forewarde and propownde other greate and graue conſiderations, ſeruinge our ſaide purpoſe and intēte, wherof one ys, that in limitinge the crowne vnto the heires of the bodie of the Ladie Frāces, the ſame Ladye then, and ſo longe after liuinge, the ſaide kinge did not appointe the ſucceſſion of the crowne accordinge to the ordre and meaninge of the honorable parliamente: For as muche as the ſaide acte of parliamente gaue to him auctheritie to limitt ād appointe the crowne to ſuche pſon or perſons in reuerſion or remainder, as ſhoulde pleaſe his highnes: meaninge therbye ſome perſon certaine, of vvhom the people might haue certaine knovvlege and vnderſtandinge after the deatho of kinge Henrie the eight. Whiche perſons certaine the heires of the Ladye Fraunces coulde not by any meanes, be intended: For as muche as the ſaide Ladye Frances was then liuinge, and therefore coulde then haue no heires at all. By reaſon vvherof the people

of

of this realme coulde not haue certaine knowledge and perfecte vnderſtandinge of the ſucceſſion, accordinge to the trevve meaninge and intente of the ſaide acte of parliamente. But to this matter ſome peraduenture vvolde ſeame to anſvvere and ſaye, that althovvghe at the tyme of the ſaide kinge Henries deathe, the heires of the bodye of the ſaide Ladye Frances begotten vvere vncertaine: yet at ſuche tyme as the ſayde remainder ſhoulde happen to fall, the ſaide heires might then certainlye be knowen In deede I vvill not denye, but that paraduenture they might be then certaynlie knowē: but what greate miſcheiffes and inconueniences might haue enſewed and yet maye, yf the vvill take place vpon that paduenture and vncertaine limitation. I vvolde vvithe all men vvell to note and conſider. Yt ys not to be doubted, but that yt might haue fortuned at ſuche time as the remainder ſhoulde happen to fall to the ſaide heires of the Ladye Frances, the ſame Ladie Frances ſhoulde then be alſo liuinge. Who I praye you then ſhoulde haue had the crowne? Paraduenture ye wolde ſaye, the heyres of the bodye of the Ladye Eleanour, to whom the next remainder vvas appoin-

11, H. 4: fol 72.
19. H. 6: fol. 24.
11, H. 6: fol. 15.

pointed. Vndowbtedlie that were cõtrarie vnto the meaninge of the ſaide ſuppoſed wyll. For ſo muche as the remainder ys ther by limited vnto the heyres of the bodie of the ladie Elenour, onlie for defaulte of iſſewe of the ſaide Ladie Frances. Whereby yt maye be very plainlie gathered vpon the ſaide ſuppoſed wyll, that the meanynge therof was not that the Chyldren of the Ladie Elenour, ſhoulde enioye the crowne before the Chyldren of the Ladie Frances. But what yf the ſayde Ladie Elenour, had bene then alſo lyvinge (wich myght have happened, for as muche as bothe the ſaide ladie Frãces, and Ladie Elenour by cõmon cowrſe of nature myght have lived longer, then vntyll thys daye:) Who then ſhoulde have had the crowne? Trewlie the ryght heyre whom thys ſuppoſed wyl mente to exclude, ſo longe as there ſhoulde remaine any iſſewe, eyther of the bodie, of the ſaide Ladie Fraunces, or of the bodie of the ſaide Ladie Elenour lawfullie begottẽ. And therfore quite contrarie to the meaninge of the ſaide ſuppoſed wyll. Wherefore I do verelie thincke, that yt woulde hardelie ſyncke into any reaſonnable mans head that had anye experience of the greate wiſdome

wiſdome and adviſed doinges of kinge Henrye the eyght abowte other matters, beynge of nothinge like weyght, that he wolde ſo ſlenderlie, ſo vnadviſedlie, and ſo vnlearnedlie diſpoſe the ſucceſſion of the crowne ( Where vpon the whole eſtate of thys Realme dothe depende) in ſuche Wyſe, that they to whome he ment to geve the ſame by hys will, coulde not enioye yt by the lawe: Where vpō ye maye plainlie ſee, not onlie the greate vnlikely hodde, that kinge Henrie the eight wolde make any ſuche will with ſuche ſlender advice: But alſo that by the limitation of the ſaide will, the ſucceſſion of the crowne ys made more vncertaine and dowbtefull, thēyt was before the makinge of the ſaide Actes of Parliamente, which ys contrarie to the meaninge and intēte of the ſaide Actes, and therefore with owte anie ſufficiente warrante in Lawe. But paradventure ſome here will ſaye, that althowghe theis dangers ād vncerteinties might have enſewed vpon the limitation of the ſaide vvill, yet for as muche as they haue not happened, neither be like to happen, they are therefore not to be ſpoken of. Yes verilie yt was not to be omitted. For althovvghe theys

thinges

thinges haue not happened, and there fore the more tollerable: Yet for as muche as theye myght haue happened by the limitation of the ſaide ſuppoſed will, contrarie to the meaninge of the ſaide actes, the vvill cā not by any meanes be ſaide, to be made accordinge to the meaninge and intente of the makers of the ſaide ſtatutes. And therefore in that reſpecte, the ſaide will ys inſufficient in lawe. And to aggravate the matter farthere, ye ſhall vnderſtande of greate incōveniences and imminent dangers, which as yet are likelie to enſevve, yf that ſuppoſed will ſhoulde take place. Yt ys not vnknowē, but that at the time of the makinge of the ſaide will, the ſaide Ladie Frances had no iſſewe male, but onlie three dawghters betwene her, and Henry Duke of Suff. Afterwarde in the time of our late Sovereigne Ladie Quene Marie, the ſaide Duke of Suff. was attainted, ād ſufferid accordinglie. After whoſe deathe the ſaide Ladie Frāces to her greate diſhonour and abaſinge of her ſelf, toke to her huſbande one Adrian Stockes, who was before her ſeruāte, a man of verie meane eſtate and vocation, and had iſſewe by him. Whiche iſſewe (yf yt were a ſonne, ād be alſo yet livinge) by the wordes of the

of the ſaide ſuppoſed will ys to inherite the crowne of this Realme, before the dawghters betwene her and the ſayde late duke of Suff. begotten. Which thing was neither intended nor ment by the makers of the ſaide Actes. Who can withe any reaſon or common defenſe thincke, that all the ſtates of the Realme aſſembled together at the ſaide Parliamēte, did meane to geve auctoritie to Kinge Henry the eight by hys lettres patentes or laſte Will, to diſherite the Quene of Scottes liniallie diſcēded of the bloude Roiall of this Realme, and to appointe the ſonne of Adrian Stokes, then a meane ſervinge man of the Duke of Suff. to be Kinge and governour over this noble Realme of Englande? The incōvenience wherof, as alſo of the like that might have followed of the pretenſed mariage of Maiſtre Keyes the late ſergeante Porter, I referre to the grave conſideratiōs and iudgemēts of the hōnorable and worſhipfull of this Realme. Some paradventure will ſaie, that kinge Henrie the eight mente by his will to diſpoſe the crowne vnto the heires of the bodie of the ſaide Laide Frances by the ſaide Duke lawfullie begotten: And not vnto the heires by any other per-

ſon to be begotten. Wiche meaninge althowghe yt myght verie hardlie be gathered vpon the ſaide ſuppoſed will, yet can not the ſame be withowte as greate incõueniẽces as the other. For yf the crowne ſhoulde nowe remaine vnto the heires of the bodie of the ſaide Ladie Fraunces, by the ſaide Duke begotten: then ſhoulde yt remaine vnto two dawghters iointelie, they bothe beynge termed and certainlie accõpted in lawe but one heire. And by that meanes the ſtate and governement of thys Realme ſhoulde be changed from the auncient Monarchie, vnto the governemente of manie. For the title of the Ladie Fraunces beynge bywaye of remainder, wich ys compted in lawe a ioynt purchaſe, dothe make all the iſſue female inheritable alyke, and can not goe accordinge to the aunciente lawe of a diſcente to the crowne. Wich ys that the crowne by diſcẽte muſte goe to the eldeſte dawghter onlye, as ys afore ſaide. For greate differẽces be in lawe, where one cometh to any title by diſcente, and where as a purchaſſer. And alſo yf the one of thoſe iſſewe female dye, thẽ were her heire in the title, as a ſeverall tenante in taile. And ſo there ſhoulde followe, that ſo many dawghters

ters ſo manie generall governours, and ſo myght theire iſſewe beynge heyres females make the governemēt growe infinit, which thinge was moſte farre from the meaninge of the makers of the ſaide parliamente. What yf the ſaide Kynge had by hys laſte will diſpoſed thys realme in to two or three partes, dévidinge the governemente therof to three perſons, to rule as ſeverall kynges? As for exemple, wales vnto one, the Northe partes vnto an other, the Sowthe partes vnto the thyrde, and by that meanes had miſerablie rēte this realme in to partes. Had this ben accordinge to the intēte and meaninge of the ſaide actes of parliament? or had yt bene a good ād ſufficiēt limitation in lawe? No verelie, I thyncke no man of any reaſonable vnderſtandynge will ſo ſaye. And no more can he eyther ſaye or thyncke of the remainder limited vnto the heires of the bodie of the ſaide Ladie Frāces, by the ſaide ſuppoſed will. Nowe to complete and finiſhe this our treatiſe towchinge the Quene of Scotlandes title to the ſucceſſion of the crovne, as we have done, ſo lett vs frelie and liberallie graūte the aduerſaries that which ys not trewe: that ys, that the ſayde ſuppoſed vvill vvas ſigned vvith the kinges ovvne

hãde: Lett the heires of the Ladye Fraunces come forthe in godes name,& laye forthe to the worlde theire demaunde and ſuppoſed right,againſte the layde Quene of Scotlandes intereſte. The Quene on the other ſide, to fortefie and ſtrengthen her claime layethe forthe to the open ſight of all the worlde,her iuſte title and intereſt ſigned ãd alwayes a fore this time allowed,not onlye as vvith the ſeales, but vvith the othes alſo, of all the kinges that euer were inEnglãde, taken at the time of theire coronation for the continuance of the lawes of this noble realme of Englande, Signed and allowed I ſaye,almoſte of all the vvorlde beſides:Yea ſigned with God ãd nature theire owne fingers. Her right ys as open, and as cleare,as the bright ſonne.Nowe to darken and ſhadowe *this* glorious light,What do *the* heires of the ſaide Ladye Frances or others bringe forthe to grownde theire iuſte claime and demaunde vpon?When all ys done,they are faine to rũne and catche holde vpon kinge Hẽrie the eightes written vvill,ſigned with his owne hãde. Well let them take as good hand faſte theron , as they can : But yet lett thẽ ſhewe to the ſaide Quene the ſaide originall vvill. Yt ys vvell knowen, that they them

them ſelues haue ſaide, that, that to do they can not. Yet lett them at leaſte laye forthe ſome authenticall recorde of the ſame. Yt ys alſo notorious they can not. Yf then the fowndation of theire claime, beynge the vvill of ſuche a Prince, and of ſo late and freſhe memorie made neither the originall, nór yet any good and vvorthie recorde ſufficientlie authoriſed remaine of the ſame: By what colour vvill they exclude the ſayde Quene? They muſte claime either by ꝓximitie of bloude, or by charter. For the firſte, nature hathe excluded them, charter they haue none to ſhewe. They will perchance crye owte and complaine of the loſſe and imbecillinge of the ſame, and ſaye that ſuche a caſualtie ſhoulde not diſtroye and extingwiſhe theire right. This were ſome thinge perchance, yf yt vvere in a priuate mans caſe: Yt vvere ſome what yf theire demaunde did not deſtroye the common lawe, and the lawe of nature alſo. Yt vvere ſomevvhat yf theire ſuppoſed charter vvere periſhed, or by any fraudulent meanes intercepted by the ſayde Quene, vpon vvhom in this pointe yt ys not poſſible to faſten any the verye leaſt ſiniſter ſuſpicion. Yt were ſomewhat.

yf they dyd not aſpire to take gayne and lucre. Or yf the Quene ſowght not to auoyde dommage. For dõmage yt ys, when any perſone ys ſpoyled of any ryght dewe to hym by lavve and reaſon. And there ys a greate oddes in the conſideration of the lavve and reaſon betwene avancinge our gaine (ād gaine we do that, that doth growe and accrevve vnto vs by mere gyfte or legacie, as dothe the crovvne, to theis competitoures and heyres of the Ladie Frances) and eſchevvenge dõmage and loſſe. And loſſe the lavve accompteth to be, when we are defeated of our auncetours inheritãce. So that bothe beinge putt in the indifferent balance of reaſon, lavve, and conſciẽce, the dõmage ſhall overvveyghe the mere lucre and gaine. Yea I vvill ſaye more, that in caſe eyther the ſaide Quene of Scotlande or anie other were in poſſeſſion of the crovne havinge no ryght to the ſame, yet yf the iſſevve of the Ladie Frances had no farther nor better ryght, then theis pretended vvritynges, the defendant cleavinge to the onlie poſſeſſion, Were ſauf and ſuer, and vvere not bovvnde to ſhevve to them theire title. For yt ys a rule of the lawe, that yf the plaintiffe faile in his proufe, the defendãte ſhalbe diſchar

Non eſt par ratio, lucra non capere, & damna ſentire. l. ſi C. codicille & l. proculus ff. de dãno inflic. inſtitut. de leg. ſi res. de leg. fin. C.

l. qui accuſare C. de e-

diſcharged. Yea thovvghe he hathe no bet ter ryght, then bare and naked poſſeſſion. Neither coulde they any thinge be relived, thowghe the pretēſed recorde of the chaun cerie vvere yet extante, not for ſuche cavv-ſes onlie as vve have ſpecified, but for divers other. For yt maye well be doubted, thovgh the ſaide recorde might beare ſufficient creditt amonge the ſubiectes of this Real-me, Wether yt maye beare the ſame agaīſte one that ys no ſubiecte. Againe yt ys a rule, that the publike inſtrumēte makinge mention of an other, dothe nothinge pro-ve againſte the partie in reſpecte of any thynge ſo mentioned, oneles the originall yt ſelf be producted. Yf therefore theis cō-petitours have loſte theire inſtrumētes and evidences, vvhere vpon they muſte of neceſ ſitie builde theire demaunde and claime to the excluſion of an other notorious ryght and tytle, they muſte beare the diſcommo-ditie therof that ſovvght there by theire lu-crative advancement and commoditie, not the perſon that demaundeth nothinge elſe but that to *hym* lavvfullie and orderlie ys devve. Yea they ād vve to, have good cavvſe to *th*inke that this thinge (in caſe anie ſuche vville vvere) ys vvonderfullie vvrovvght by

edendo. §. cōmodum Inſt. de interdict.

l. ſi quis in aliquo documěto. C. de ēdēdo.

godes permiſſion and prouidence. For yt ys almoſte incredible to heare and beleaue ſuche kinde of writinges and in ſo greate and weightie a matter as this pretenſed will compriſethe, ſo ſone extinguiſhed and periſhed as yt were for ſpeciall purpoſe, to preſerue to this noble realme, the trewe ād ſyncere ſucceſſion of the next royall bloud, vvhich yf yt ſhoulde be certaine, I can not tell vvhat enterlined papers and ſcrowles be deriued and tranſferred to any other vvrongfull heires. Yt wilbe a vvonderfull and ſtrange thinge to the vvorlde to heare, and to importable to vs and to our poſteritie to beare yt. Yt vvill then be ſo farre of, that that thinge vvhich the parliamente moſte regarded in this cōmiſſion ſhall by this pretenſed vvill be procured and purchaſſed to this realme, as to haue a certaine knowen vndowbted lawfull gouernour & kinge, to haue ſtriffe contentions and deuiſions for the crowne cutt avvaye, that euē the verie thinge the parliament moſte feared, ys moſte infortunatlie and moſte lamentablye like ſoneſte to chance. He that remembrethe the tragicall proceedinges of the laſt by name, ād not by right kinge Richarde, neadeth not gretelye to dowbte, but

that,

that, as he coulde finde in his harte to baſtarde his eldeſte brother, ād lavvfull kinge, and to diffame his ovvne naturall mother as an harlott, eauē ſo nowe there vvill ſome be fovvnde that vvill eaſelie be induced for the auancinge and ſettinge forthe of theire ſuppoſed right and title to the crovvne, to ſeake meanes to vvringe them ovvte, that ſhall vvrongfullye ſitt in the royall throne, And to ſeake to extorte the crovvne from theire poſſeſſion. Which vnhappie daye yf yt ſhould ons chāce (as God forre bid) then maye vve crye owte and ſinge a vvofull and dolefull ſonge: Then maye vve, not vvith ovvte cauſe, loke for the botomleſſe Ocean ſea of infinite troubles, miſeries and myſcheiffes to ouvwhelme the realme, The vvhiche my mynde and harte abhorrethe to thincke vpon, and my penne in my hande tremblethe to vvrite therof.

The ende of the ſeconde boke.

# THE THYRDE BOOKE, WHERE IN YS DECLARED that the regimente of whomen ys conformable to the lawe of God and nature.

ALBE yt (good Reader) you haue nowe hearde a conueniente and a ſufficiente prouf, ſo farre as the lawes of this realme maye ſerue, for the right title & claime of the Quene of Scotlande and ſo we might right well ſeame to haue fullie diſcharged our promiſſe and office: Yet as the matter nowe fallethe owte, eſpecially yf we ſhall geue any creditt to an infamouſe libell, or rather a fier brande of ſedition late caſte abrode, all our coſte ys forlorne, all our trauaile imployed in vaine, we muſte begine a freſhe, for all this not withſtandinge, her right ys dowbtefull (ſayeth this man) and ſuche as againſte whiche ys iuſte exception taken by the lawe of God and man. Yt vvill neuer be proued by the lawe, no, not by her beſt frendes: ſo will the crowne neuer be geauen het by iuſte and com-

*An infamouſe lybell made lately againſt the Quene of Scottes.*

common counſayle. I meane not the conſente of vnquiet ſpirites and brawlinge braines, but of a greate nomber of them, vvhiche are to be accompted amonge the beſte, for the loue of religion, and of the common vvelthe. Suerlye theis are iolye vvorues: this ys confidentlie ſpoken. But yet lett vs heare with all vvhat proufes this ſober braynde man, and ſo feruente a zelatour of religion, and of the cõmon welthe bringethe forthe, for the auouchinge of his ſturdye allegation. What lawe, what acte of parliamente, what cuſtome or vſage, what auncięte recorde of hiſtorie of this realme, dothe this man laye forthe for him ſelf? Suerlye none at all. And as he layethe forthe not ſo muche as one Iote this waye: ſo no doubte he ſhall neuer be able to laye forthe any thinge of like vveight as that, that alredye ys aleaged. No, no, good Reader, this man goethe not by acte of parliamente, nor by anye lawe of this realme, nor what ſoeuer he ſpeakethe of mans lawe for a braue countenance, by ciuill or by any other humane lawe. Thys extraordinarie wilye fellowe runethe an other race, all theys lawes are but beggerlie baggage to him, and argumentes of brawlinge braines. This ſober

brainde

brayned man vvill not abaſe him ſelf, withe intermedlinge vvith ſo lavve matters, but aſpirethe and amowntethe a lofte, and fetchethe a marveloute hyghe fetche and reache, ād beinge as yt were ghoſtlie rauiſſhed, conteminge as it ſeameth all humane lawes ād polices he makethe, as yt were a plaine demurre vvith vs in lavve, that We haue pleaded our matters all this while in a vvrō-ge courte. For lo, this matter by this ſober mannes iudgemente ſeameth not triable either in the Arches, or cōſiſtorye of Pawles by the Ciuill or Cānō lawe: or in weſtimiſter hall by anye lavve or acte of pliamente. This plee muſt be onlie mainteined vvithe the recordes of holie ſcripture, but of his owne ſober braines interpretation onlie, ād holden before him ſelf, and his newe erected tribunall, furniſſhed and adorned vvithe ſuche quiet and ſober ſprites, as him ſelf ys. The infallable veritie, the highe Maieſte of the ſacred ſcriptures, I do moſt hartelye cōfeſſe and moſt humblye reverence. But yet yf ye will intrude your ſelf to be the ſupreame arbitror and vmpier therof, ād therebye wretchedlie will abuſe your ſelf and others withe the promulginge from your nevve tribunall ſeate, ſuche and ſo ſtrange paradoxes

*The authour of the ſame ſeamethe litle to regarde touchinge the ſucceſsiōof the crowne, anye lawe but holie ſcripture.*

doxes and ſentẽces, to the vtter overthrowinge of all humane policies and lavves, yea to the preſente and imminẽt danger of our owne maiſtreſſe and Quene (as ye do) we muſte be ſo bolde to ſee vvhat vvarrãte and cõmiſſion you haue, and to examine & well to vewe the ſame, we muſte buckle with you ãd trye, whether the authoritie of holie ſcripture, which ys your onelye refuge, will vpholde and beare owte your ſtrange and ſtowte cõcluſion. The place then wher vpõ he growndeth him ſelf ys this. Thowe ſhalt make him kĩge over the, whõ the lorde thy God ſhall choſe frõ amõge thye bretherne: him ſhallt thovve make a kinge amõge thẽ. From this aucthoritie he fetcheth owte all his highe myſticall & ſupnaturall cõcluſiõs: and firſte he excludeth the Quene of Scotland by cauſe ſhe ys an Alien and not *ex fratribus*. And therefore not choſen of God. Wherevnto he addethe that the Kinge muſte be ſuche, as the people maye ſaye to him, as the Iſraëlites ſaide to kinge Dauid. *Ecce os tuum & caro tua nos ſumus*. We are of one nation and bloude. There vnto he adioynethe, that yt ys aſſigned as one iuſte cavvſe, Whye Athalia, was turned owte of her kingdome by cauſe ſhe vvas

*He grovndethe him ſelf chefely vpon the 17. of Deut.*

*2. Sam. 5.*

Alie

*2. Reg. 11.*

*Alienigina*, an alien: *Maternum genus ducens a Tyrijs & Sidonijs*. Theys nowe are all the proufes deduced by this mā owte of holye ſcripture, for other hathe he none, vvhye the Quene of Scottes beynge a ſtranger owght to be diſherited, ād reiected from all ſuche claime, as ſhe p̄tēdethe to the crowne of Englande. Nowe for anſwere, and firſte to the 17. of Deuteronomie, wherein as I will not quarell with you for the ſhrewde meaninge that perchance ſome man maye probablye gather owte of this treatiſe, and ſmall likinge that ye haue to the gouernemente proceadinge from ſucceſſion onlye: ſo I plainelye affirme, firſte that we are not bownde to the ceremoniall, or iudiciall, or other preceptes of the Iewiſhe lawe (except the Decaloge) farther then the churche or ciuill policie haue renewed and reuiued againe. I ſaye then farther, that thys authoritie of the Deuteronomye can not fittlye ſerue your purpoſe, for that yt takethe place when the people choſethe a kinge, and not when there ys a lawfull and ordinarie ſucceſſion, As vvas euen amonge the Iewes from kinge Dauidis time, albe yt he and kinge Saule before him came in by goodes and the peoples ſpeciall election.

*An anſwere to vchinge the 17. of Deut.*

Where-

Wherfore I do admitt your principle to be vvell grownded vpon ſcripture, that the choiſe and election of Princes muſte be directed ād meaſured by godes holye worde, will, and pleaſure. What then? I wolde fayne knowe, by what logike, by what reaſon a man maye thus conclude: We owght to choſe nō ſtranger to our prince, Ergo a ſtranger, thowghe he be *the* iuſte and nexte inheritour to the crowne, muſte be diſplaced. The one dependethe of our owne free will and election, which we maye meaſure and rule, as vve ſee good cauſe. The other behangeth onlye vpon the diſpoſition and prouidence of God. There we maye picke owte choice: Here we muſte take ſuche as God ſendethe. There conſente bearethe the ſtroke: Here proximitie of bloude bearethe the ſwaye. There vve offer no iniurie to any partye in acceptinge the one, and leauinge thother: Here do we iniurie to God that dothe ſende, and to the partie that ys by him ſente. And to ſaye the trewthe, it is but a maleparte controulemente of godes owne direction and prouidence. For in the former parte we be the choſers, and muſte directe and gouerne our choice by reaſon and diſcretion, by the merite and worthines

*Greate difference betwene ſucceſſion & election.*

of

of the perſon: Here all the choice, all the voices are in godes hande onlie. As good right hathe the infante in the ſwadlinge clowtes, as hathe any man called at hys perfecte age ād wiſedome. Yt ys a trewe laiēge. *Chriſtiani ſimus*, we are made chriſtian men: we are not borne chriſtian men: *Non naſcimur*. But in this caſe of ſucceſſion. *Reges naſcuntur, non fiunt*, mē are borne and not made kynges Let this fellowe therefore cōclude as ſtrongelie as he can or will againſte the choſinge of ſtrāgers: Yet yf he brīge forthe no place oute of ſcripture againſt the ſucceſſion of a ſtranger claiminge by proximitie of bloude Royall, as farre as the man ſhoteithe, he ſhoteithe to ſhorte to hitt the marke. But lorde what an yll fauored ſhorte ſhote will yt be accōpted, yf the be fownde no ſtranger at all? Yt ys verye probable that in this place the ſcripture meanethe of a mere forener and ſtranger: ſuche as were neither borne in Iurie, nor of the Iewiſhe bloude. For with ſuche aliens they were forbidden alſo to cople in mariage, by reaſon they were Idolatours, ād might thereby thē ſelues be occaſioned (as they were often times in deede) abādone and forſake theire trewe and ſincere religion. Suche a ſtrāger,

Auguſt. de merit. & remiſ. pec. cōtra Pel. l. 3 c. 8. & 9 tom. 7. & i queſti. ex nouo teſt c. 8. tom. 4

I am

I am well aſſured, this Ladie ys not to vs yf ſhe be any ſtranger at all. The Scottes and we be all chriſtians and of one Ilande, of one tongue, & almoſte of one faſhions and manners, cuſtomes an lavves: So that we can not in any wiſe accompte them amonge ſuche kinde of ſtrangers that this place of Moyſes mentionethe, namelie the Ladye Marie the Quene of Scottes, beinge not onlie in harte well affectioned and minded to all Engliſhe men (as hathe by manie experimentes bene well knovven) But alſo by diſcēte and Royall bloude all Engliſhe, which ſhe takethe from the noble kinges longe before the cōqueſte, and after the conqueſte, from the worthye Princes Henrie the firſte, and Edwarde the thirde, and of late dayes, from the excellente Prince kinge Henrye the ſeaventhe, and hys davvghter Ladye Margaret her grand mother. All vvhiche cauſes withe ſome other in ſuche number concurrante, ovvght rather to enforce vs to thincke, and to take her, as no ſtranger to vs, then to eſtrange her from vs, by the onlie place of her Natiuitie: Whiche ys yet neverthelеſſe vvithin the fovver ſeaes, and verie nighe to Englande, by Oſbrede bovvndinge at Sterlinge bridge. Laſte of all tovchinge the foreſayde chapter of Deutronomye we affirme,

*The Quene of Scottes no ſtrāger.*

that yt ys vntrewe that ye ſaie, aswell that this lawe of gouernemēce bindeth our kinges to the havinge and followinge of thys lawe, as we have ſaide, vnleſſe to omitt other thinges, ye wolde bynde our kynges alſo, to receaue the deuteronomie, at the hād's of the levitticall tribe, as that ye ſaie that God gave here a lawe to the Iewes, to make, or chooſe a kīge, and to cōſequentlie all your illatiōs owte of thys place ſeame to be of ſmall force. For to ſaie the trewthe, as god neither gaue thē this, or anye other lavve, for choſenge of a kinge, nor did bidde, or will them to chooſe a kinge: ſo did the people moſte grevouſlie offende God in demandinge a kinge. For (thowghe by the Iudgemēte of Ariſtotle ād other Philoſophers) a Monarchie wel ād orderlie vſed, ys the beſte kinde of all other regimentes (which God dothe alſo well like) yet wolde he have no ſuche magiſtrate amonge the Iewes. But as he chooſe them for his proper, peculier and ſelecte people, and ruled them alwell in the deſerte, as in Iudea, by a ſeverall peculier, ād diſtincte order ād gouernemēte from other natiōs, and after ſuche wōderfull and miraculouſe ſorte, as the like was never harde of in anye regimēte beſides: ſo wolde he alſo reſerue to him ſelf onlie, the ſaide ſupremacye and monarchye. Neither was he a

*3. Politic.*

litle

itle angree with the Iewes, nor they cõmitted any ſmall fault, but (as yt were) renovvnced and reiected godes ovvne monarchie in cravinge a kinge, as holie ſcripture plainelye and openlie teſtifiethe. *Non te (inquit) reiecerũt, ſed me ne regnem ſuper eos.* And the people afterwardes acknowledged theire fault. *Addidimus vniuerſis peccatis noſtris malum, vt peteremus nobis regem.* God therefore did not bidd them, or will them to choſe a kīge, but foreknovvenge longe before by hys eternall foreſight, what they vvolde do, (thovvghe contrarye to hys bleſſed vvill and pleaſure) did in this, as in othet matters, beare vvithe theire vvekenes, and condiſcended vnto the ſame. And foretolde them in this ſayde, 17. chapter, that in caſe they vvolde nedes haue a kinge, of what kinde ād ſorte he ſholde be. And therefore immediatelye before the wordes that ye recite (thowe ſhalt make him a kinge over them) ys this texte, *Cum ingreſſus fueris terram, quam dominus Deus dabit tibi, & poſſederis eam, habitaueriſque in illa & dixeris: Cõſtituam ſuper me regem ſicut habent omnes per circuitũ nationes, eũ cõſtitues. &c.* And vvhē thowe ſhalt come into the lāde vvhich the lorde thie God geaveth the, ād ſhall poſſeſſe yt ād dwell therin, yf thovve ſaye I vvill ſett a kinge over me, like as all the natiõs that are abowte me,

1. *Reg.* c. 8.

1. *Reg.* 12.

then thovv ſhallt make hym kinge over the whom, &c. Which wordes makinge for the illuſtration of this place, ye have omitted. Wherefore, as this place ſervethe nothinge, for any abſolute electiō of a kinge, the which you ſeame eſpeciallie to regarde ād grownde your ſelf vpō, ſo dothe yt (as we have ſhewed, as litle relieve you, to prove thereby your concluſions, eſpeciallie againſte the ordinarie ſucceſſion, either of a ſtrāger, or of a woman, that ye wolde gather and cōclude, owte of the ſame. Thus have we ſufficientlie anſwered the place of Deuteronomie for this one purpoſe. The other two authorities maye be muche more eaſelie anſwered. The people mente nothinge elſe by theire ſayde wordes ſpoken to David, but that they were of the ſeede of Abraham, Iſaac, and Iacob, as well as he, and intended with trevve and ſincere hartes vnfainedlie to agnyſe him, as theire cheif lorde ād Sovereigne. For at that time the tribe of Iuda onlie (wherof kinge Dauid came by liniall diſcente) did acknowledge hym as kinge. Novve the reſidevve which before held vvith Saules ſonne, did alſo incorporate ād vnite them ſelues to the ſaide kingdome. Yf this man loke well vpon the matter, he ſhall finde I trowe, that the Quene of Scottes maye aſwell call her ſelf

*An anſ-*
*ſvvere to*
*the ſecōde*
*of Samuel*
*6.5.*

the

the bones and fleſhe of the noble Princes of Englande, as this people call them ſelves the bones and fleſhe of kinge Dauid. But yet the greate terrible batterīge cānō *Athalie* ys behīde. She beinge in poſſeſſiō of the kīgdome, ſeauē yeares, was iuſtlie thruſt owte, by cauſe ſhe was an alien: we maye then, ſaye the this man, iuſtelye denye the Quene of Scottes before hande the right of that, which yf ſhe had in poſſeſſion, ſhe coulde not iuſtelye enioye. Yet Syr, yf the Quene of Scottes be no alien, as we have ſayed, then ys your cannon ſhotte more fearefull then dangerouſe. We denie not, but that *Athalia* was lavvfullie depoſed, but we beſeache you to tell vs your authours name, that dothe aſſigne the cauſe to be ſuche, as ye alleage. Suerlie for my pte after diligente ſearche, I finde no ſuche authours. Truthe yt ys that Ioſephus writeth as ye do, that ſhe diſcended by the mothers ſide of the Tyrians and Sydonians, yet never the-leſſe he aſſignethe no ſuche cauſe as ye do: And as ye are in this your pretie poiſoned pamflett the firſte, I trowe, of all chriſtian men (I Will not excepte eyther latine or greke, vnleſſe yt be ſome fantaſtycall fonde and newe vpſtarte Doctours, as Maiſtre Knoxe or ſome the like: neyther Iewe, Chaldyan nor Arabyan) that

*Ioſep. Iud. antiq. li. 9 c. 6.*

hathe thus ſtrangelye gloſed and deformed this place of the holie ſcripture, againſte the ordinarie ſucceſſion of vvomen Princes, ſo are you firſte alſo, of all either deuines or lawiers throughe owte the world, that hathe ſett forthe this newe fownde foliſhe lavve, that the kinges childe muſte be counted an alie, vvhoſe father and mother are not of the ſame and one cõtrey. Yf the Frenche or Spaniſhe kinge chance to marrye an Engliſhe vvoman, or the kinge of Englande to marrie a frẽche, a Spaniſhe, or any other cõtrey woman, theire children by this newe Lycurgus are Aliens, ãd ſo cõſequentlie in all other nations all ſuche as haue bene ſhalbe aliens, by this your newe oracle. For vvhat other cauſe ſhewe you, that this Athalia was an alien, but by cauſe her mother vvas an alien *Genus ducens*, ſay you a *Tyrijs & Sidonijs*, cõminge by liniall diſcente, by the mothers ſide, from the Tyrians and Sydonians. Kinge Achas maried her mother, dawghter to Ithoball kinge of the ſaide Tyrians and Sydonians. This Athalia, vvhom Ioſephus callethe Gotholia, Achas dawghter married Ioram kinge of Iuda (her brother called alſo Ioram beynge kinge of Iſrael) after the deceaſe of his father Achas. So then ye ſee that this Athalia vvas no more an alien amõge the Iewes, then kinge Edbaldus

*A nevve fownde ãd madd interpretation, vvho ys an alie made by the adverſarie.*

*Ioſep. li. 9. cap. 7.*

*Athalia was no alie amõge the Iewes.*

dus was, the ſonne of Bertha a Frenche wo-
mā, and of kinge Ethelbertus, the firſte chriſ-
tian kinge of the Engliſhe nation: No more
then vvas the noble kige Edward the thyrde,
borne of a Frenche vvoman: No more then
Quene Marie vvas: No more then ſhoulde
haue bene the iſſewe of the ſaide Quene Ma-
rie, or our gratious Souereignes iſſewe ſhulde
be, in caſe ſhe maried with any forren Prīce.
I peeaue that your fellowes, that wolde faine
make kinge Shephen and kinge Henrie the
ſeconde, and Arthure nephewe to kinge Ri-
charde the firſte, aliens, had but rude, dull and
groſſe heades in comparīſō of your fine, ſub-
tile and highe fetches. Yf I ſhoulde nowe de-
ſire your patience, not withſtandinge the
allegatiōs of all your diuinitie, to be contēte
a while, and towchinge this matter to hear-
ken to the moſte excellente ciuilian Vlpian,
thowghe he were an Ethnick, ye wolde par-
chance make litle accompte of him, and be
angrye withe me for producinge a prophane
witnes againſt you. And yet trewlye in this I
offerre neither to you, nor yet to godes ho-
lye vvorde any iniurie in the vvorlde. For
Chriſte his highe and deuine doctrine
dothe not ſubuerte nor impugne humane or
ciuill policie, beynge not repugnāte to his ex-
preſſe worde & wyll. Let vs then heare whō

*Who is an alien by Vlpian.*

the ſaide Vlpian maketh an Alien, & whō he definethe to be an Alien. He ys a Campane (ſayethe this Vlpian) that ys borne of father and mother, beinge Campanes: Yea yf his father be a Campane, and his mother be a Puteolane, yet ys the childe a citezin or burgeſſe of Campanie. And then he ſhewethe farther, that in ſome contreyes, as amonge the Ilians, the Delphians, and them of Pontus, the childe ſhalbe cownted to be origigiallye of the mothers, and not of the fathers contreye. His wordes in latine as he wrote them are theis. *Qui ex duobus Campanis parentibus natus eſt, Campanus eſt. Sed ſi ex patre Campano, matre Puteolana æquè municeps, Campanus eſt, niſi forte priuilegio aliquo materna origo cenſeatur: tunc enim materna originis erit municeps, vtpote Ilienſibus conceſſum eſt, vt qui matre Ilienſi eſt, ſit eorum municeps. Etiam Delphis hoc idem tributum & conſeruatum eſt. Celſus etiã refert, ponticis ex beneficio Pompeij Magni competere, vt qui Põtica matre natus eſſet, Ponticus eſſet.* Whiche his ſayenge ys directe againſt you, for this your ſtrange declaration of *Alienigena* an alien. Well yf neither the declaration of Vlpian, nor yet the practiſe of the worlde, moſt conformable alſo to reaſon, nor any thinge elſe will ſatiſfie you, vnleſſe yt be derued and taken owte of holye ſcripture:

*L. 1. ff. ad muni. c. 1. pec.*

we

we are cõtente to ioyne iſſewe with you, ād to be tried by the ſame onlye. Chriſte came liniallie of Booz, whõ Salmõ begatt of Raab (as the moſte cõmon opinion of writers ys) that betrayed Hierico to Ioſue. And maye we nowe ſaulfly thincke that this Booz was a ſtranger, an Alien, and no Iewe? And ſo with all infringe, breake, ād puerte the genalogię of Chriſte, and the continuall ſucceſſion of the Iewes Chriſtes ꝓgenitours? Ye knowe that as Athalias mother was a Tyrian or a Sidonian: ſo was Ruthe a Moabite. This Ruthe maried the foreſaide Booz. I aſke you nowe agayne, Whether Obed the ſõne of the ſaide Booz ād Ruth, were aliẽs amõge the Iewes? Yf you ſaye he was not, then muſt you nedes cõfeſſe the ſame of Athalia. Yf you ſaye he was, then the holye ſcripture makethe euidẽtlie againſt you: For of this Obed Chriſte came liniallye. And yf you ſteppe forewarde as you luſtelie beginne, a foote or two more, ye will, or as well ye maye make kinge Dauid alſo, to whom Obed was grande father, yea and Chriſte him ſelf, not muche better then aliens. And ſo hath Athalia at length ſpunne a fayre threde for you. We denye then that this Athalia vvas an alien amonge the Iſraëlites, and therefore ſhe coulde not be barred from anye inheritance devve vnto

Matt. 1. & Ioſue: 6.

*Dauid ād Chriſte diſcede of Obed Ruthes ſonne*

4. Reg. 11.

vnto the dawghter, amonge the children of Iſraël. Neyther was ſhe removed from the kingdome, as this ſober mā beinge beſt awaked dreamethe, by cauſe ſhe was a ſtranger: but for that ſhe moſte cruellie ād vnnaturally ſlayēge ād murtheringe her owne nephewes the ſonnes of her ſonne kinge Othozias latelie kylled, of Iehu by ſhamefull meanes, vſurped her ſelf the crowne, apperteininge to her nephevve Ioas, vvho by the prouidēce of God, was (ſhe beinge vſurper of yt) preſerued from her butcherye. And after ſeaven yeares by the helpe of Ioada the highe prieſt vvas anointed kinge, and ſhe depoſed, & worthelie putto deathe. And this cauſe dothe appeare eaven in the verie chapter and place, that thys quiet and ſober man dothe ſo ſoberlie againſt the brawlinge braines alleage. As for the cauſe he him ſelfe proponethe: we vvill not ſticke vvith him to geue hym a longer daye, to fetche owte and ſhevve vs his recordes, & his authours at hys good leaſure. Well this ſtringe will not ſerue hys bowe. We will therefore liſten againe to him and conſider hovve well he harpethe vpon the next ſtringe: Whiche ſuerlie dothe geve as yll fauored a iarringe, and as vntunable a noiſe as the firſte, or rather more vntunable. Wherein our good quiet brother dothe ſo ſtraine and wreſte

*Whie Athalia was depoſed.*

wreſte this vvorde (*ex fratribus*) amonge the bretherne: that he wreſteth avvaye not onlie the right and intereſte the Quene of Scottes pretendethe to the ſucceſſion of the crowne: But dothe vvreſte with all the crowne frō all Princes neckes that haue bene, are, or ſhalbe women. And of all ſuche as haue, do, or ſhall claime theire inheritance, by the title and intereſte of theire motheres. which cān haue no better title, thē theyre progenitours from whom they clayme. For amonge hys newe notable notes that he noteh owte of thys ſeavētēthe chapter of deuteronomie, for the choſinge of a kinge, vve maye note (ſayethe he) the ſexe by the maſculine gender vſed in this vvorde *ex fratribus*, for vnder the other ſexe *Ataxia* moſt commonlie creapethe into the ſtocke and contrie. He ſayethe alſo aftervvarde, Thys politike lavve that God did geue the Iewes, ys grovvnded vpon the lawe of nature, and ys alſo as everlaſtinge as nature yt ſelf ys, and ys of all naturall men to be obſerued. Yt ys (ſayethe he) of nature that the preſcribed ſexe ſhoulde governe the other: He meanethe vvomen ſhoulde be gouerned. Then he knitteth vppe the concluſion of his nevve peſtiferouſe policie: whiche I conclude, that godes lavve, nature and good reaſon do reiecte the Quene of Scottes and denie

*An vnbrotherlye and fonde ſtrayninge of theis wordes ex fratribus.*

denye her that kingdome, which ſhe vvolde ſo faine poſſeſſe. Who vvolde euer haue thowght that ſuch a quiet ſober braine, owte of this one worde *fratrib⁹*, could haue fownd in his harte ſo vnbrotherlye, yea ſo vnchriſtianlye, and ſo fondlye vvith all, to extorte ſuche an interpretation, as ys able (Yf yt were receaued) to diſturbe, infringe, and breake the quiet and lawfull poſſeſſion and inheritance of a greate parte of the Princes of the vvorlde, and eſpecially of his owne and our gratiouſe and Souereigne, good Ladye and Quene. Yea and as fondely and vnnaturallye to frame of him ſelf a nevve lavve of nature alſo: And ſo moſte vvretchedlye to corrupte, depraue, and mayme bothe the lavve of God ād nature. Yet by cauſe this man geueth owte his matters as yt vvere compēdiouſe oracles, ād leſte ſome might thincke, that ſuche a ſober man hathe ſome good and ſubſtantiall grovvnde in this his fayenge: ſeinge he ys ſo bolde vvith his ovvne gloſes vpon the holye ſcriptures: I vvilbe as bolde vpon him a litle, to liſte & examine the vveight and veritie of them. And firſte tovvchinge the lavve of nature, which he maketh as a picke axe to vndermine the ſtate of ſo manye Princes, & of his ovvne Souereigne vvith all: We might here enlarge manye thinges hovve and in vvhat

*An answere to the aduerſarie towchinge the lawe of nature vvhiche vvreſteth againſt vvomens gouerne-mente.*

what ſorte the lawe of nature maye be takē: but vve vvilbe therein compendiouſe and ſhorte. The lawe of nature cōmonlye ys proper and appteininge aſvvell to other liuinge thinges as to man. As Vlpian the notable lavvier vvritethe. There ys an other lavve, that ys called *Ius gentium*, the lavve of all nations, And yt ys called alſo the lavve of nature, by cauſe the diſcourſe of naturall reaſō forcethe all nations to obeye and kepe this lavve, as to honour God, to obey our parētes & magiſtrates, to kepe and maynteine our bargaines & ꝓmiſes ī biēge and ſellinge, & in other cōtractes, to defēde our ſelues frō violēce & iniurie, with a nōber of ſuch other. I ſuppoſe the aduerſarie meanethe not of the firſt kīde, but of the ſecōde: Wherof he muſte neades meane, yf he meane to ſpeake any thinge to the purpoſe. I ſaye then that this ys a falſe, & an vnnaturall aſſertiō, to make this ſurmiſed lavve euerlaſtīge as nature it ſelf is. The lavve of nature or *Ius gentiū*, ys and euer Was after the time that there Were any natiōs or people, & euer ſhalbe. This cōterfeate lave of nature neither ys, nor euer vvas, nor as farre as reaſō maye reache to, euer ſhalbe. Yt ſhalbe inowghe for vs to o⁊throvve & caſte vnderfote this counterfeate lavve: to ſhevve and proue that vvomen haue from time to time

l.1.ff.de iuſtitir.& iure. L. veluti l. ex hoc l.ōnis eod. Eſt cm̄ hęc nō ſcripta ſed nata lex: quam non didici mus, accepimus, legimus, verùm ex natura arripuimus, hauſimus, expreſſimus, ad quā nō docti ſed facti, non īſtituti, ſed imbuti ſumus: vt ſi vita nr̄a in aliquas inſidias, ſi in vim, in tela aut latronū aut inimicorūincidiſſet, omnis honeſta ratio eſſet expediendæ ſalutis. Cicero pro Milone.

time borne princelie regimente in the moſte notable partes ī the worlde, ād in the beſte ād moſte famouſe common wealthes that euer haue bene. For the knowledge wherof, I referre the Reader to aunciēte hiſtories, beinge the noble regiſters of antiquitie, whiche do plainelie teſtifie the ſame to haue bene oftē practiſed in Aſia, Aphrike, ād Europe. Cōcerninge Aſia, I finde that Artemeſia who builded the Sepulcre of her huſbāde Mauſolus one of the notable ſpectacles & wonders of the worlde, and her ſiſter Ada with others reigned in Caria. This Ada beīge thruſte owte was reſtored by Alexander the greate. The contrey alſo of Pandea ī India was gouerned by women. The gouernemente of the Quene Semiramis & Nicocris in the empire of Babylō. Of Quene Thomyris amōge the Maſagites, ys to theire greate praiſe and cōmendation in aunciente monumentes recorded. Ioſephus maketh mētiō of Helena the Quene of

*The practiſe of womans regimēt in Aſia, Aphrica, ād Europe.*

*Quene Artemeſia.*

*Quene Ada.*

*Vvomans regimēt in Pandea a contrey of India.*

*Quene Semiramus and Nicocris.*

*Quene Thomeris.*

*Helena.*

Solinus in collect.
Plinius lib. 6. cap. 10.
Arian. lib. 8 geſt. Alex.
Ma. Iuſtinus lib. 1.
Herod. lib. 1.
Strabo. lib. 16. Geogra.
li. 16. Ioſep. lib. 20. cap. 2. Antiq. ca. 20.
Euſeb. lib. 2. ca. 12.
Ruff. eccle. hiſt. l. 2. c. 6.
Clem. Alexand. lib. 1. Stromat. 1.
Iuſtin' li. 1.
Strab: geographe. lib. 14.

ne of the Adiabēs. Euſebius, of Mammia the Quene of Sarazēs. Atoſſa was gouerneſſe of the Perſians, a moſte excellente woman alſo for learninge. Yt maye alſo appeare by the ſtorie that Iuſtine writethe of Aſtyages the kinge of the Medians, that in Media the woman ſupplied the lacke and wante of male children in the princelye gouernemente. There is mention made alſo of Erato whom the Parthians did chooſe to be theire Quene. We will nowe make vppe our concluſiō for Aſia with Claudianus verſe.

*Mædis Ieuibúſque Sabæis*
*Imperat hic ſexus reginarúmque ſub armis*
*Barbariæ pars magna iacet.*

*Mammia.*
*Womans regimente in Media*
*Quene Atoſſa.*
Tacitus li. 2. ſtatim a principio.
*Quene Erato.*
Claudian⁹ li. 1. in Eutropium.
Strab. lib. 12. & 17. Iuſt. li. 18. Diado. Sic lib. 1 ca. 2. & 4, 19.

OWte of the which we haue purpoſelye lefte Iudæa, referuinge yt a principall helpe, for the vtter ouerthrowinge of this mans fantaſticall interpretation of the foreſaide worde *fratribus*. In the ſtories and monumentes towchinge Aphrike, we reade of Quene Dido at Catharge, Cleopatra ī Ægypte, & of diuers other Quenes there. The firſt kinge of Ægypt was Oſiris, who in his abſēce cōmitted the whole regimēte to his wife Iſis. In Æthiopia where reigneth a mightie Prīce a chriſtian man, and one that hathe manye kinges ſubiected to him, not many yeares ſithens in the nonage of kinge Dauid, his grād mother

*Womans regimēt in Aphrike.*
*Quene Dido.*
*Quene Cleopatra.*
*Quē. Iſis.*
Damianus a Goes de morib⁹ & fide Æthioph.

mother the Que. did moſte politikelie wiſe-
lie and godlie rule theis realmes. And yt ap-
pearethe in the olde ſtories that ī chriſtes ty-
me ād before, that cōtreyhad no other prin-
ces thē womē, which were called all *Candaces*
ſuch a one reigned there abowte the time of
Chriſtes paſſion, whoſe cheif ſeruante vvas
conuerted to Chriſtes faythe by ſainte Phil-
ippe. By vvhoſe meanes the Quene alſo vp-
pon his retorne, became with her ſubiectes a
Chriſtiā vvomā: And that ys thovvght to be
the firſt contrey, that publikelie embraced
the faythe of Chriſte. And ther vpon the
ſayenge of the Prophet Dauid ſeamethe to
be verified, ſayenge *Æthiopia preveniet manus
*eius Deo.* And yet that not withe ſtandinge
owre worthie Brytanie amonge all the Prin-
ces that vvere of the Romane empire, hathe
therof the noble prerogatiue Women vvere
the cheif magiſtrates amonge the Teneſians
and Sebrites In the time of kinge Salomon,
† the noble vvomā, that came from the vtter
moſt parte of the earthe to heare the vviſde-
*me of the ſaide Salomō, whom the olde teſ-
tamente callethe the Quene of Saba: the
newe teſtamente the Quene of the Sowthe:
was a

Beda.l.8ī Act. Apoſt. Euſeb.l.2. eccl. hiſto. cap.1. Plini. l.6. cap 29. Strab.l.17 Act. Apo. cap. 8. Dorothe. de vita & obitu pro-phet & A. Hier.c 52. Eſaie. Hil. in pſa:67. Euſeb:l.2. cap.1. Sabellic. Srabo.lib. 16.

* *Æthio-pia the firſt christ ned amen-ge other cōtreyes, but Britania the firſt amonge the Prouinces of Rome.*

† *Womans regiment in Aethiopia the Quene of Saba.*

*3.Regum 10.& 2.Par.9. Matth.12. & Luc 11.

vvas a Quene, and as Ioſephus writethe the Quene of Æthiopia and Ægypte, contreyes of ſuche greatenes and largenes, as no one Prince throvvgh ovvte all our Empire, hathe ſo ample dominion vvith in the ſame. Parchaunce her dominion did ſtretche to Cephala, vvhiche dravvethe vvell tovvarde the fartheſte parte of Aphrica. Vvhiche interpretation ſeamethe not farre a ſquare from the vvordes of the holye ſcripture, from thence, as the Annales of the ſaide contreye recorde, Salomās ſhipps euerye thirde yeare browght merueloule plentye of golde and ſiluer: other ſuppoſe that the ſaide nauie vvente to the late founde landes of the weſte India, eſpeciallie to the Ilande nowe called Spaniola. I finde in the ſaide Aphrike one ſtrange and founde kinde of people called Buaoi, where men gouerned men onlye and womē gouerned women onlye. And yet vvere not they ſo harde maiſters to vvomen, as ye are, nor thowghte womens regimente (as ye do) to be againſte nature. And to finiſhe this ſeconde parte, yt ſeameth by Lucane that in theys quarters of the vvorlde, yt vvas no newe or ſtrange thinge to ſee a vvoman a Princee, as appearethe by theys vvordes of Quene Cleopatra.

*Ioſep. Antiq. Iudai. lib. 8. ca. 2.*

*Salomans ſhipps fetched golde from Cephala.*

*Stobe⁹ ſermo. 42 ex Nicolao de morib⁹ gēnium.*

Luc. li. 10. Iustin. l. 14 & 20.

*Non vrbeis prima tenebo*
*Fœmina Niliacas; nullo discrimine sexus*
*Reginam scit ferre Pharos.*

*Vvomans regiment in Europa.*

AS for Europe, as yt ys better knowen to vs, so therein haue we with all greater store of examples of this kinde of gouernemente. In Epire, yt appeareth by Olympias dawghter to Pyrrhus: In Macedonia where a woman called also Olympias succeded after the deathe of Alexander the greate: Yea and in the greate and famouse empire of Cõstantinople, where Irene, Theodora, Zoë an other Theodora, and Eudocia were the cheyf and highe magistrates. The laide secõde and laste Theodora answered the Ambassadours her self, and iudiciallye in her owne person gaue sentẽce, as well in publike as in priuate causes. Whose gouernement was also prosperouse happie and fortunate. More ouer yt appeareth that the Illyriãs and Slauons were ruled by Quene Teuca, what shall I speake of Spaine and Portugale, of the Dukedome of Burgũdye ãd of the Erledome of Flaunders, and of other partes of lower Germanie? Conrade the Duke of Frãconye and Lãtgraue of Hesse vvas made countye Palatine of Rhene and Duke of Lotrãne, by the inheritance of his wife Irmelgardis. He had but one daugh-

*Quene Olympias in Epire.*

*Olympias Macedonia*

*Irene.*

*Theodora Eudocia.*

*Zono. tom 3. Annal.*

*Plini. l. 34 cap. 6.*

*Womẽs regiment in Spaine Portigale, Burgundie ãd Flaunders*

*Irmelgardis daughter of Conrade Duke of Frãcon.*

Munster Cosm. vniuersal. li. 3. pag. 620.

ter

ter, who was maried to Cõrade duke of Sueuia, whereby he was made comtye Palatine of Rhene. This Conrade had a dawghter called Agnes maried to Hẽrie Duke of Saxonie and Limeburge, who thereby enioyed the countie Palatine. The like maye be sayed of diuers other partes of the Germanicall Empire. Yea a vvoman hathe ruled and gouerned the saide vvhole Empire, as yt ys euidẽte in Agnes the vvif of the Emperour Henrie the thirde, duringe the time of the minoritie of her sonne Hẽrie the fowrthe. And yet the same Empire, ye wote well passeth by choise and election, and not by liniall succession of bloude. Yea manye hundrethe yeares ere she was borne, and in the floreshinge time of the olde Romaine Empire, Mesa Varia grãdmother to the Emperours Heliogabalus and Alexãder Seuerus, sat with the senate at Rome, hearde and examined the vveightie causes of the Empire, and sett her hand also to suche thinges as passed towchinge the publike affaires. I do nowe adioine the kingdome of Sicilie, and Naples in Italye of the vvhich Italye, Noah (vvhome the prophane vvriters call Ianus) made Crana his dawghter ruler ãd Quene. Where also Lauinia reigned after the deathe of Æneas. And as for Naples, this pre-

*Agnes wife to Hẽry duke of Saxonie*

*Agnes wif to Henrie the 3. Emperour.*

Paul Æmil lib 3. Chari. li. 3.

Fulgo. l. 8. cap 16. de dict. & fac. memor.

*Crana nohing daughter.*

Beros. li. 5. Lud. lib. 1. Dec. 1. Æne. Sylui: de Asia, ca. 40.

ſidente of vvomanlye gouernemẽte, ys not to be fownde there onlye of later yeares in bothe the Quenes called Iohanne, but eauen from verye Auncient time. Which thinge the ſtories do recorde in Amalaſyntha that gouerned after kinge Theodoricus with her ſonne Athalaric⁹. The ſaide Amalaſyntha vvas mother to Almaricus kinge of Spaine and after his death ruled her ſelf the ſaide realme. Lett vs nowe adde further the Dukedomes of Lorane & Mantua, the kīgdomes of Swethia, of Dania, and of Norwegia. Wherof Margarett the dawghter of waldemarus was gouerneſſe and Quene. The kingdomes of Beame & of Hungarie. And to drawe nerer home, the realme alſo of Scotlãde, vvhich realme hathe denomination of a woman, as theire ſtories reporte, as hathe likewiſe Flaũders. The like ſome of our ſtories reporte of Englãde, wherein I will make no faſt fotinge. Now touchīge the feminine ſucceſſiõ to the right of the croune of Englãd, it ys no newe fownde ſucceſſion: and muche leſſe vnnaturall. We

*Quene of Naples Amalacintha.*

*Womẽs regiment in Lorain & Mantua.*

*In the kīgdome of Swethia Dania and Norwegia Beame Hungarie and Scotlande.*

*Englande*

Cronic. Palmerij & H. contracti. Mũſt. vniuerſ. Coſmo. lib. 4. Æneas Siluius in deſc. Aſiæ c. 10. Hector. Boet. l. 1. Hi. Sco. Vide la Geneal. des rois de Frãc. impr. Paris. 1561 in Carolo Magno.

reade

reade in our cronicles of Quene Cordell, the thirde heire & davghter of kinge Leire the tenthe kinge of Britannie, that reſtored her father to the kīgdome, beinge depoſed by her tvvo other ſiſters. We reade that abowte three hundred fiftie and fiue yeares, before the Natiuitie of Chriſte, Martia *Martia* pba duringe the nonage of her ſonne, did go- *probe:* uerne this realme full politikelye and vviſelye: and eſtabliſhed cerraine lavves called *Helẽa mo-* *Leges Martianæ.* There be aſwel of our owne, *ther to Cõ-* as of externall hiſtoriographers, that for a *ſtãtine the* moſte certaintye affirme, that Helena the *greate.* noble Conſtantine his mother vvas a Bri- Onuph. de tane, and the onlye dawghter and heire Rom. prīc. of Coëlus kinge of Britane, and that the Euſebi. de ſaide conſtantine was borne in Britanie. vita Cõſtã. ſuerlye that his father Conſtantinus died in li. 1. Britanye at yorke, and that the ſaide Con- Eutropius. ſtantinus begane his noble victoriouſe race of his moſte worthie Empire in Britanye, yt ys reported by Aunciente vvriters, and of greate faythe and credit. And likevviſe that longe before the ſaide Helens time, vvomen bare the greateſte ſvvaye. Britanes had vvomen for theire Capitaines *Voadica.* in vvarfare. Amonge other Cornelius

In vita Agricolę.

Tacitus writethe thus. *His atque alijs inuicem inſtructi Boadicea generis regij fœmina duce (neque enim ſexum in imperijs diſcernunt) ſumpſere vniuerſi bellum.* We have nowe alredie ſhevved of Henrie the ſeconde, who obteined the crowne by hys mothers right. Which layde kinge by the title of his wife, and after him his ſucceſſours kinges of Englande, did enioye the Dukedome of Aquitania, and the Erldõe of Poyctieres, as the ſaide kīges ſucceſſours ſhoulde haue done alſo (as we haue ſhewed before) the Dukedome of Britanye, yf Arthure kinge Richardes nephevve had not by the vſurpinge of kinge Iohan, & his vnnaturall crueltye, died withovvte iſſewe. And by what other right then by the womans inheritance devve to kinge Edwarde the thirde by his mother the Frēche kinges Davvghter, do the kinges of this realme beare the Armes and title of the kinges of France? And thovvghe the french men thincke their parte the better againſt vs, yt ys not but vppon an olde politike lawe of their owne (as they ſaye) ād not vpon anye ſuche fonde grovvnde as ye pretende, that womens regiment ys vnnaturall. Which regimente, ye ſtowtelie affirme to be farre a fonder from any naturall regimente. Yea trewlie

*Henry the ſecōd. kinge by hys mothers right.*

Vide Alliāt geneal. claud. paradini 1561.

*The Frenche men make not vvomens regiment vnnaturall.*

trewlie as farre, as was the boyes head from the ſhovlders the laſte Bartholomewe fayre at London, Which manie a poore ſowle did beleave to be trewe. For as the boyes head remained ſtill vpon hys necke and ſhoulders, thowghe yt ſeamed by a light livelie Legerdemayne to be a greate waye frō the bodie: So wolde ye nowe caſte a myſte before our eies and make vs beleave, that womanlie governemente and nature, be ſo deuided ād ſondred, that they maye in no wiſe be linked ād cowpled to gether. But ſuerlie the Frenche nation was never ſo vnwiſe, to thincke this kinde of governemente repugnante to nature, or to godes holie worde: for then they wolde never have ſuffered theire realme to have bene ſo often governed and ruled by women in the time of the Nonage or abſence of theire kinges, as by Adela the mother of kinge Philippus, and by Blaunche the mother of Saint lewes, ād by the wife of the late kinge Frances taken priſoner at Pavia, and by divers other. Neyther ſholde the ſaide Adela, and Blaunche haue bene ſo cōmended for theire ſaide noble and worthye rule and governemente. The ſaide frenchemen, thowghe by policie they have prouided, to exclude ſtrangers

*Adela kinge Philips mother and Blaunche the mother, of S. lewes. Se the preface of the ſayde Alliances.*

*The Frenche mẽ hold de greate principalities by the vvomens right.*

from the inheritance of the crovvne: Yet they them ſelues holde at this daye by the vvomans title & intereſte the Dukedome of Britanie vvith diuers other goodlie poſſeſſions. And we haue ſhewed before howe levves the Dolphine of France made parte title to the crovne of this realme, in the title of his wife. Thus I haue, as I ſuppoſe, ſuffi-

*The cõclusiõ against the Aduerſarie: towchĩge the lavve of nature.*

cientlie proued, that this kinde of regimẽte ys not againſt nature, by the anciente and continuall practiſe of Aſia, Aphrica, & Europa. For the parfitinge of the vvhiche laſte parte of Europa, and of the vvhole three partes, I ende with the notable Poëte virgilles verſes.

Virg. li. 7.

*Filius huic fato diuûm proleſque virilis*
*Nulla fuit, primáq; oriens erepta iuuenta eſt.*
*Sola domum, & tantas ſeruabat filia ſedes.*

VVE knytt vppe therefore our concluſiõ againſt you after this ſorte: That lawe and vſage can not be covvnted againſt the lawe of nature, or *ius gentium*, which the moſte parte of all contreies, and one greate or notable parte of the vvhole vvorlde dothe and hathe ever vſed, But this lawe or vſage ys ſuche, *Ergo* yt ys not againſte the lavve of nature. The *maior* neadethe no prouf: as for the proufe of the *minor*, vve neade

neade to imploye no farther labour, then we haue alredy done. Wherevpõ the cõſequẽte muſt neades be inferred, that this lavve or vſage dothe well agree ãd ſtãde with the lawe of nature. The reaſõ therof ys, that yt ys moſt naturall, the davvghter to inherite her fathers patrimonie, Where vnto yf there be a dignitie annexed, bothe are ſo vnited and knitt together, that they cã in no wiſe be vnlinked. Marie, yf you had driuen your argumẽte of the dewtie & obediẽce that the wife owethe to her huſbande, and had argued, yt ys the lavve of nature, that the wife ſhoulde be ruled and gouerned by her huſbande, *Ergo* yt ys againſt nature, that the wife ſhoulde be heade to her huſbande in reſpecte that ſhe ys hys wife: then had you argued conformablie to reaſon, ſcripture, and nature. But yf you will therof inferre, *Ergo* ſhe can in no wiſe be head to her huſbande: then playe you the Sophiſter, makinge a fallible & vitiouſe argumente: and makinge a confuſe minglinge of thoſe thinges, that be of ſondrie ãd diuers natures. The childe muſt obey his Scholemaiſter and parẽtes, & maye iuſtlie of thẽ be chaſtened, thowghe he be a Prince: Yet this not withſtandinge, the ſaide chylde maye vſe his auᵭhoritie by his magiſtrates againſte hys ſcholemayſter: Yea and yf the caſe

*The vvife in ſome caſe maye be head to her huſbande.*

ſo require, againſt his parentes to. As did Edwarde the confeſſor, and kinge Edwarde the thirde, againſte theire mothers, eauen ſo the caſe ſare the vvith the huſbãde and the wife. The vvife maye vvith ovvte anye impairinge or maiminge of her dewtie to God, or to her wedloke, repreſſe her huſbandes mildemeanure, yf yt be noiſull to the cõmon wealthe: And yet ys the not therebye exempted from ſuche dewtie, as the matrimoniall cõiunctiõ crauethe of the vvife towarde her huſbande. Ye frame an other argumente of inconueniences, as thowghe vnder the vvomans regimẽte, Ataxia, that ys to ſaye diſorder moſte cõmonlye creapethe in. I vvill not denye, but ſometime yt ys ſo, but that moſte cõmonlye yt ys ſo, that I denye. Lett bothe the regimentes be compared and matched together, and weighed by an indifferent ballãce, and Iame deceaued, but the inconueniences of the mans regimente for the rate, will ouerpaiſe the other. And yt ys full vnmete vnſeamelye ãd daungerouſe matter, to rule Prices right and titles by ſuche blinde gheſſes. Well you vvill yet ſaye, ye haue ſcripture on your ſide. Ye ſaye the Iewes vvere cõmaunded to take no kinge but *ex fratribus*, a brother. *Ergo* vve can haue no ſiſter to our Quene. To this ob-

*Princes right mate not be ruled by blĩd gheſſes.*

obiectiō alſo my two former anſweres maye ſufficiētlye ſerue. Firſt you muſte proue, that all Chriſtian Princes are obliged and ſubiected to this parte of Moyſes lawe, ād that ſhall ye neuer be able to do, which thinge ye ſawe vvell inowghe, and therefore ye vvere faine to vnderpropp̄e and vpholde this your ruinouſe and vveake buildinge, vvith the ſtrōge force, of the lavve of nature. But this force, as you haue hearde, ys but the force of a bull reſhe. Ovvre ſeconde anſvvere alſo vvill ſone infringe & breake this your concliſiō, which reſpectethe onlye the free and voluntarie electiō and choiſe of a kinge. But vve ſpeake of birthe & ſucceſſiō, wherein we haue none intereſte: but God, who ys the onelye Iudge and vmpier, and hathe by his deuine prouidence made to our hande his choiſe alredye, which yf vve vvolde vndoe and reuerſe, we might ſeame to be verye ſawcye and malepette with him. But vve vvill remoue and reliquiſhe all theys helpes, and ſee vvhat and howve farre this auctoritie forceth*e* by the verye wordes. *Frater* ys the maſculine gender (ye ſaye) and therefore women are to be remoued Then by this rule women alſo muſte be excluded from theire ſaluation, by cauſe ſcripture ſayeth: He that ſhall beleaue and be bapti-

*What abſurditie followeth by ſtraininge this worde ex fratribus.*

Marci vlt° baptized ſhalbe ſaued. Holye ſcripture a-
Pſ.1.&40. bowndethe of like places: As, *Beatus vir qui*
Matth. 5. *non abijt in conſilio impiorum: &c. Beatus qui in-*
L.luci°. §. *telligit: &c.* And by this rule vvomen are ex-
quęſitũ ff. cluded, frõ the eight beatitudes. But we will
de lege not ſhifte your owne worde, *Brother.* We ſaye
Tert. & ibi therefore that this vvorde muſte not be takẽ
Bart. ſo ſtraightlie, & narowlie as ye take yt: for
Gene. 13. firſte not onlie in ſcripture, but in olde aun-
Apollon. ciente prophane authours, yt comprehen-
Rhodi° li. dethe the brothers childe: Yea and ſometime
Argon. 8. in ciuill lawe coſen germãs, cõminge of two
le. 1. ff. de bretherne. Abrahã called Lothe his brother,
verborum Medea alſo callethe her ſiſter Chalciopes
ſignif. ſonnes, her bretherne ſpeakinge to her ſiſter
i. e. tres in this ſorte.
frẽs. ff. de
pactis & l.
lucius ff.
famil. her-
ciſcund.

Εἰ ἐνὶ τῆς ψυχῆς πρεσβεύσειεν, ἢ ἐνὶ παίδων
τῶν ἐμῶν, ἢ ἐμοὶ ἀδελφοῖσι γενέσθαι.

Leuit. 19. Againe as in the ciuill lavve the maſculine
Deut. 29. gender comprehendethe the feminine: ſo
Zachar, 7. doth yt in your vvorde brother. Modeſtinus
Matth. 18. vvritethe thus: *Tres fratres, Titius, Menius &*
1. Theſſ. 3. *Seia. Paulus alſo Lucius & Titia fratres. Scevola*
1. Ioan 2. ſayethe. the bequeſtes made by the teſtatour
Quęſitũ *fratribus*, to his bretherne, ſhalbe beneficiall
eſt ã quod to his ſiſters alſo, vnleſſe yt maye be proued,
heredes
fratrib° ro
gati eſſent
reſtituere
etiã ad ſo-

that

that the teſtatour mente otherwyſe. Nowe vvhen the holye ſcripture ſaiethe, thowe ſhalte not hate thy brother. Thowe ſhalt not lende vpon vſurie to thye brother, Lett euerye man vſe his brother mercifullye, yf thye brother treſpaſſe againſte thee forgeue him, with drawe your ſelues from euery brother vvalkinge diſorderlye, He that hatethe his brother ys in Darkenes, vvith a nomber of like ſuite: Shall vve inferre ther vppon that vve maye hate our ſiſter, that vve maye oppreſſe our ſiſter vvith vſurye, that vve maye vſe our ſiſter as vnmercifullye as vve vvill, vvith owte any remorſe of conſcience, and are not bownde to forgeue her, nor to eſchewe her companie beinge excommunicated, or a nororiouſe offendour? Wherefore neither this vvorde brother excludethe a ſiſter, nor this vvorde kinge in ſcripture excludethe a Quene: In the greke tongue one vvorde repreſenterhe bothe brother and ſiſter, ſauinge that there ys a difference of gender, ἀδελφὸς, ἀδελφὴ, after the ſame rate the wordes kinge and Quene are knitt vppe in both one, anſvvell in the greke βασιλεὺς βασιλὶς, as in the hebrewe *Melech* and *Malcha*, & i the Frēche Roy & Royne, ād frō this

rores pertineret, reſpōdit ptinere, niſi aliud ſenſiſſe teſtatorē probetur, dicta leg. Lucius. §. quęſitū leg. Terr.

*Neither thisworde brother excludethe a ſiſter, nor thisworde Kinge a Quene, by any ſcripture.*

this the latin tõgue *Rex & Regina*, dothe not farre diſagree. Seinge then by interpretatation this worde brother, conteinethe the worde ſiſter alſo in ſcripture, ād the worde kinge by propertie of one and theſame voice and ſignification, expreſſethe the Quene bothe in ſcripture & in other tõges: whye ſhulde we not aſwell communicate to women the dignitie appertey:nge to the name, and reſembled bythe ſame, as the name yt ſelf? For eaven in this our owne cõtrey, albe yt the names of the kinge and of the Quene do vtterlie varye one from the other, and alſo the aunciente ſtatutes of the realme, do not onelie attribute and referre all prærogatiue and prçeminence, power and Iuriſdiction, vnto the name of a kinge, but do geve alſo, aſſigne, and appointe, the correction and puniſhemente of all offendours, againſte the realme & dignitie of the crowne and the lawes of the realme, vnto the kinge: Yet are all manner of the foreſaide iuriſdictions and other prærogatiues, and ovvght to be, as fullie as wholie ād as abſolutelie in the Prince female, as in the male, and ſo was yt ever deamed iudged ād accepted, before the ſtatute made for the farther declaration in that pointe. The like

Anno Marie 1. ca. 2.

wo

we ſaye of bothe the foreſaide wordes *Brother*, and *Rex* vſed in this place of ſcripture, wherof yf there do yet remaine any ſcruple or dowbte to anye man, for the avoidinge and cleare extinguiſſinge of the ſame, we will referre the Reader to the noble civiliã Paulus,& to the rule before by vs towched. *Si de interpretatione legis quæratur, in primis inſpiciendum eſt quo iure ciuitas retro in ciuſmodi caſibus vſa fuit, optima enim legum interpres conſuetudo*. Yt ys for vs then to conſider whether in Iudæa and Hieruſalem, women have at anye time bene the cheif rulers and governeſſes: And whether the Ievves ever interpreted this place, after the meaninge and ſence of this man? Suerlie at ſuche time as chriſtian mẽ bare rule at Hieruſalem, we knowe well there was no ſuche interpretation. For amõge other Fulke the comte of Aniowe, who lefte his ſaide countie to Geffrey his ſonne, father to Henrie the ſeconde by the Empreſſe Maude, and wente to Hieruſalem to kinge Baldewin the ſeconde, and there maried Meliſende hys dawghter ãd heire, was afterwardes by his wiues title kinge of Hieruſalem. Salome Herodes ſiſter was made governeſſe by Auguſtus Cæſar, of Iamnia, Azotũ, Phaſalidea and

l.fin. ff. de legibus.

*The levës never interpreted this vvorde after the ſorteas the aduerſarie doth.*

Vide dictas, Alliãce Cl. paradiri.

*Fulke & other Kĩges of Hieruſalẽ by their wiues right.*

*Salõ. Herodes ſiſter a gouerneſſe in Iudea.*

Ioſeph.lib. Ant.Iudic. 17.c.13: and Aſcolania, which thīge ys a good prouf that the Romaines thovvght yt not vnnaturall (as ye thincke) for a woman to enioie, ciuill gouernemente. I might here adde the wives of Iohannes, of Ariſtobulus, and of Alexāder, who gouerned ād ruled the ſaide Iewes after the deathe of theire huſbandes with ſuche other, vvhich ſtories thovvghe they be not in ſcripture, yet are they authēticall and of good creditt. And yet are vve not altogether vnfurniſhed of a ſcripturelie example, but rather vve are ſo furniſſhed, that God, as longe before foreſeinge that there ſhulde come ſuche vnnaturall cauillinge quarrellers, againſt hys creature and prouidence, and againſt theire ovvne naturall Princes, hathe as yt were all at ons mett vvith them, and anſvvered to all ſuche calumniouſe cauillinge of yours and ſuche other, as ye ſhall by and by vnderſtande. A woman pardie, y f we beleue you, muſt not kepe the ſtate and honour of a Prince and Quene, and whie ſo I praye your? Was not ſhe created to the Image of God as vvell as man? And dothe not ſhe repreſēte the maieſtie of God? Dyd not God bleſſe them bothe? Did not God bid them rule over the fiſhe of the ſea, & ouer the fovle of heauen, and

*The wiues of Ioannes Ariſtobul' ād Alex. gouerned the Ieves.*

Ioſeph. li. 13.c.19.20 Egeſip. de excid: Hier. lib. 1.cap.12.

*A womā the Image of God, as vvell as man.*

Gen.1.&3.

and over everye beaſte that moueth vpon the earthe? But what thinge meane ye by the Image of god? Meane you as ſaïte Paule ſeameth to meane? That man was created in rightuouſnes and trevve holynes? This ys trewe alſo in the woman. Some thyncke that the Image of god repreſenteth the bleſſed Trinitie, which ys (as ſuche an hyghe thynge maye be) ſome what reſembled by memorie, by will, and by vnderſtandinge: Which are in women, as well as in men. What thinge ys there that reaſon, wytt and vnderſtandinge maye reatche to, that woman hathe not, or maye not atchieve ād attayne? For learnīge, there haue bene manye women exactlie learned in muſicke, Aſtronomye, Phyloſophye, Oratorye, Phyſyke, in Poëtrye, in lavve ād deuinitye. Atoſſa the Quene of the Perſyans, of whom we haue ſpoken before, was the firſte that inuented the manner of writinge of epiſtoles. Aſpaſia was ſchole maiſtreſſe to that notable Oratour & Capitaine Perycles: the noble Philoſopher Socrates was not aſhamed to be tawght of dictina. Accurſi⁹ hys daughter ꝓfeſſed the Ciuill lawe opēlie at Bononie. The Sibilles be famouſe amōge writers aſwel chriſtiās as other. Paula ād her davgh-

*Ephe. 4.*

*Women learned.*

Clem. Ale. Stromat. li. 1. Plato in Menexemo. Socrates ī Sympoſio Platonis. Albericus lib. 6 qui filiū. ff. vbi pupill. ed. Diod. Sic. lib. 1 & 5. Bibliot.

ber Euſtochiō were notable learned : ād diuers other womē in Saint Hieromes time (as yt appearethe in his vvorkes) beſides diuers other before his time, of Whō he makethe mētion, as alſo of the afore named Aſpaſia, of Sappho, Cornelia, and ſuche like. Hypatia paſſed all the philoſophers of her time, & ſucceded Plotin⁹ in Plato his ſchole opēlye profeſſinge at Alexandria diuers liberall ſciēces. And what were *the* nine Muſes, but virgins moſte excellente in *the* fame? Who is called the goddeſſe of learninge, but Minerua? Which alſo founde owte the Arte of plātinge and ſettinge. What ſhoulde I nowe ſpeake of the noble learned womē of our Britanie? Of Cābra the dawghter of kinge Belin, who promulged the lawes whic*h* of her name (as ſome of our contrey men writte) haue theire denomination and are called *Sicambrice*. Of Martia Proba, of Helena, and ſuche other the like. We neade not rūne vp to ſo highe and farre yeares: we haue herof at home late and alſo preſente, and worthie examples, emonge whom I maye ſett with the firſte and beſte our Quenes noble maieſtie. Perchāce ye will obiecte, that womē are vnable and inſufficiente to conſulte of greate & weightie affaires, as beinge but of weake

Hieron. præfat. in Sophoñ.

Trip. hiſt. li. 11. c. 12.

Diod. Sicul. li. 1. & 5. Bibliot.

Iuſtini. auth. vt īdic. fine quoque ſuffrag. in princ. leg. bene: C. de p̄ſcript. quadrienal.

Herod. halli. li. Tript. l. 9. ca. 31. Paulus Diaco. de geſtis long. Beda: li. 1. eccle hiſt. Paulus Æmil. lib. 1. Pluta. in cōpara. Nume & Licur. & & in vita Ægidis. Aug. de ciui. dei: l. 18 c. 9.

weake and feble witt and counſaile. Yf this reaſon holde, ye muſte exclude from all princelie honour and regimente, all kinges that be vnder age, or otherwiſe that lacke diſcretion, as well as women. And yet as weake as they are, Numa kinge of the Romaines and the greate Monarche Iuſtinian, beſides others, did conſulte to the ſingulier commoditie of them ſelues and theire common weales, with theire wiues, for the better orderinge of the publike affaires. The life of the greate monarch Cyrus vvas preſerued by the counſaile of an heardemans wife Theodoſius alſo the Emperour toke greate benefitt by the God counſaile of his wife. Thodelinda was the occaſion that her huſbāde Agillolphus kinge of the Lumbardes, and Bertha that our kinge Ethelbert⁹: Clotildis that Clodoueus the kinge of France receaued the Chriſtian faythe. The Lacedemoniās the wiſeſt people amonge the Græcians, and the Athenienſes alſo vſed in the olde time to haue womē preſent, at the debatinge

Illa Numæ cōiux conſiliumque fuit. Ouid. 3. faſt.

*Iuſtinian and other Princes cōſulted with their vviues in publike affaires.*

*Women the occaſiō that Kīges their huſbundes were conuerted to the faythe*

*Thodelīda Bertha. Clotildis.*

of publicke affaires, which thīge was practi
Cornel. Tacit. de moribus Germanorum. ſed amōge the olde Germās. Neither Socra
tes nor plato, do altogether remoue womē
beinge apte & mete therto, frō publicke ad-
miniſtratiō. Ariſtotle confeſſeth, that in the
Plato de repub. 5. cōmō wealthe of the Lacedemoniās, many
Ariſtot. Pol. 7. thīges were done by Womē. The ſaide Ariſ-
totle thowghe he p̄ferre the rule āð gouer-
*Plato and Ariſtotle do not vterlye reiecte womans gouernemēt.* nemēte of men: Yet dothe he not reiecte
the other, as vnnaturall, but graunteh. Ἐνίοτε
δὲ ἀρχουσιν αἱ γυναῖκες ἐπίκληροι οὖσαι. That ſōetime
womē beīge greate īheritours, haue the prī-
cipalitie. Nowe that manie cōmon weales
haue bene cōmendablie and worthelie go-
uerned by them, and that in theyre gouer-
Ethic li. 8. ca. 10. nemente lacked neyther witt, policye, dex-
teritye, prudence, liberalitye, iuſtice, nor
mercye (whiche amōge all her other prin-
celye qualityes, gliſtereth moſt orientelye
in our moſt gratiouſe Souereigne) neyther
any other thīge mete for a Prince, I coulde
eaſelie declare, but I do forbeare by reaſō of
tedieuſnes, āð for that in the puſinge āð dyſ-
cuſſinge of the ſtories by me alredie rehear-
ſed: yt Will moſte eaſelie, moſte fullye, and
moſte euidētlie fall owte to all ſuche, as be
deſirouſe to trauaile therin. In caſe all thys
will not ſatiſfye you and that ye thynke yt
ſtill to be vnnaturall and againſt ſcripture,

for a woman that ys ordeined to be ſubiected to her huſbande, to be the gouerneſſe and head of a publike ſtate: And that ye thīcke alſo that thowghe for all other reſpectes, a Woman myght be a governeſſe yet conſideringe, that ſhe muſte have the managinge of Martiall exploytes, which in deede maye ſeame in no wyſe agreable to a Woman, and ys ſuerlie the difficultiſte matter of all in our caſe and queſtion, and that you can not, or wyll not be ſatisfied, vnleſſe ye maye for this, and all other dowbtes, be by ſcripture perſvvaded: Lo then I bringe to you one authoritie of holie ſcripture, to ſerve all turnes. I Bringe, Iſaie, noble Debora, to decide & determine all thys cōtroverſie & cōtention. whō, ye cā not denie, vvas the cheif & ſupreame magiſtrate, over the people of God, to Godes vvell likinge, & by his owne eſpeciall gratiouſe appoītemēte. She hearde, determined, & decided all manner of litigiouſe, & dowbtefull controverſies, aſwell for bargaynes & contractes, as for dowbtes & ābiguities of the lawe: And that not by other magiſtrates intermediāte, but by her ſelfe perſonallie. *Erat autē Prophetiſſa.* ſhe was a ꝓphetiſſe. Which wordes *Origines* ſingulerlie well dothe note: ſaiēge that holie ſcripture dothe not vſe ſuch phraſe of ſpeakinge

*Debora was gouerneſſe of the Ievves by Godes ſpeciall appoītemēte. Iudic. 4.*

Hom. 4. in 4. c. Iudic.

kinge of anye other of the Iudges: leaſte that any man ſhoulde grudge and repyne (as the frowarde natured man dothe) at womēs regimēte. Let no mā tell me nowe of the cowragiouſe Amazones? Let no man tell me of zenobia the Quene of the Palmeryes, and beſide her excellēte learninge of her noble cheualerye, nor of Artemiſias, that whyte liuored ād cowarde Perſes, hys manlie wyfe, nor of our manlie voadica? Nor of any other the wyſe polityke victoriouſe Quenes, that we haue before named, or of any ſuche like. Owre Debora ſhall ſerve vs, one for all. Iabin the kinge of the chanonites had kepte the people of Iſraël, for theyre ſynnes and offences to God, twēty yeares in greate miſerye ſlauerie and bondage. He had three hūdred thowſande fotemen, tenne thowſande horſemen, and thre thoweſande chariottes, ſeruinge for the exploites of his warres. This noble Debora ſent for Baracke, willinge him to muſter the people, and with tenne thowſande men to ſett vppon Syſira Iabins capitaine. But Baracke wolde not go vnleſſe ſhe wēte alſo: well ſayeth ſhe, I wyll go with the. Whē they ſhoulde haue buckeled, Baracke and the Iſraelytes, fearinge the huge mul

Pollio vopiſcus in vita Aureliani.

Hero. l. 8.

Iuſt. lib. 2.

Iudic. 4.

Ioſeph. antiq.

Iudic. li. 5. cap. 6.

*The greate victorie of Debora.*

multitude of the enemyes wolde have recoyled backe into ſome ſaulfer and ſurer places. Naye ſayeth Debora, departe not, plucke vp your hartes, for all ys ours. And vppon this they encountred with the enemie, and beholde there fell ſodenlie vpon the enimies faces ſo vehemente à ſtorme of rayne ād hayle, that yt toke from thē theire ſight, and did ſo ſore beate them, that for verie coulde and weakenes they were not able to holde theire weapōs in theire hādes. There vpon beinge wonderfullie diſcowraged, breakinge theire arraye they toke them to theire feete, and in fleinge ſome were ſlaine by the Iſraëlites, ſome by theire owne horſe men and chariottes. Syſira him ſelf was alſo ſlaine. I ſpeake not this of Debora by cauſe, I thincke warlike matters properlie and ſo well to apperteine to women as to men. I knovve &.do vvell allowe the ſayenge in Homer of Hector to his wyfe.

Αλλ' ἐς ἔικιν ἴσα τὰ σαυτῆς ἔργα κέμοζι
ἴσθι· ἰλακατάμῃ τι καὶ ἀμφιπολίσσι κέλευε
ἔργ' ἰπὶ ἰχνιάσθαι, πόλιμος δ' ἀνδρῆσι μελήσει. Iliad. 6.

I ſpeake yt to this purpoſe onelie to ſhewe that a women maye not onlie have ciuilll regimente in other thinges, but maye inter-

*The ceremonies that kīges of Englād vſed in theyr coronation.*

medle alſo when the caſe requirethe vvith vvarlike matters, and be preſente vvith the armye in the felde. And this alſo amonge other aunciente and ſoléme ceremonies, the gyrdinge of our Souereigne at her coronation vvith a ſworde, the ſettinge of a paire of Spurres to her heales maye well ſignifie. Which ceremonies, thovghe they haue bene vſed from the time of kinge Edwarde the confeſſour at leaſt, or from the noble Allured, and that vpon kinges onelie, except our ovvne time: Yet the reaſon and ſignificatiō of the ſame maye and dothe take place in womē Princes alſo, and in our Souereigne, to putt her in remembrance to chaſtice and repreſſe malefactours with conuenient luſtice. Yea vvith ſpeade to purſue not onlye by her vnder officiers, but in her owne Royall perſon (yf the neceſſitie of the time dothe require yt) her maieſties inwarde, or owterwarde ennemies, vvherein ſhe hathe a preſidente in this vvorthie Debora. This Baracke of whome we haue ſpoken by the conſente of the moſte parte of the expoſitors of holye ſcripture vvas Deboras huſbāde: Whereby ye maye ſee, that the matrimoniall dewtye of the vvife to the huſbāde dothe nothinge repugne to the publike adminiſ-

Vide ſpeculū hiſto. Richa. Ciceſt. lib. 3. cap. 3.

*All be yt S. Ambr. li. de vid. thinketh, her to haue bene a widowe, ād Barach to be her ſone, ſaīge: ſtrenuos enim nō ſexus, ſed ỹ tus facit. vid. cæter. ibidem.*

miniſtratiō & office of the wife eache with other maye frēdelye and peaceablye agree, She maye ſerue all turnes to the contentation of God, her huſbande, & of the commō welthe. For the reſpecte wherof, the ſaide huſbāde beinge but a member and percell of the ſame, and as ſubiecte to his vvife in that reſpecte, as any other: She maye, yea & owght to cōmaunde the ſaide huſbāde, and as the caſe maye ſtāde, ſeuerelie to puniſhe his owtēragiouſe behauiour & doinges tovardes the ſaide cōmon wealthe. This noble Debora therefore cōdemnethe your cōcluſiō, bothe vnnaturall and derogatiue to holye ſcripture. Neither will this euaſion releaue you (that ſome of your affinité, for the maintenance of this ſo wronge an opinion haue vſed). that this ys but one bare and an extraordinarye priueleged and pſonall example, hauīge none other the like in ſcripture: & therefore not to be drawē to make therof a rule or preſidēte, for womālye gouernemēte. Yf this your replie be effectuall, then farewell the baptiſme of yōge childrē, wherof yt wilbe harde to finde more then one, yf that one exāple maye be fownde in all the holye ſcripture. Thē fare wel a nōber of rightes, ceremonies, cuſtomes, & orders aſwell

*One onlye exaple in ſcripture a ſufficētep-ſidente.*

aſwell ī eccleſiaſticall,as ī politicall affaires, all which haue but one, & ſome no one example at all therein: Yet yt ſo beinge that the vſe therof ys not repugnāte to the ſaide holye ſcripture, they haue bene,they are,& maye well here after be kepte,vſed and obſerued. And yet I knowe no cauſe, but that the worthye Iudithe maye be an other example alſo. Wo thowghe ſhe were not the gouerneſſe of the cōmon wealthe at that time, but others: Yet played ſhe that parte, that ſeamed moſte abhorringe and ſtrange to woman kinde in deuiſinge,yea and moſt manfullye and meruelouſlye executinge in her owne pſon the renowmed ſlawghter of the arrogante,haughtye and prowde Tyrāte Holofernes. As her ſtomacke and cowrage was manlye and ſtowte in that acte, ſo vvas ſhe not onlye a noble vertuouſe womā, but a meruelouſe vviſe vvoman vvith all,and ſo was taken & iudged to be of all the people. Whereby yt vvill follovve by good reaſon, that in caſe ſhe had bene the gouerneſſe of all the people, her gov̄nemēte wolde haue bene aſwell ꝓfitable to the cōmon welthe, as cōformable bothe to nature & the holye ſcripture alſo. Which example thowghe yt maye ſeame ſufficiente to ouerthrowe your

*Iudith*:13.

*Iudith.c.8.*

*The ſlawghter of Holoſernes by Iudith.*

anſwere

anſwere, be yt neuer ſo artificiallye forged, to Debora: Yet to refute and to refell yt vtterlye, not onlye by examples, but eauen by plaine and full auᵭhoritie of holye ſcriptures, lett me be ſo bolde, as to demãde your anſwere to a queſtiõ or two? Firſte whether if a man ſeaſed in landes and poſſeſſions die vvith owte iſſue male, his dawghter by holy ſcripture, ſhall enioye the ſaide landes and inheritãce, orno? In caſe ye ſaye ſhe ſhall not, the plaine vvordes of the ſcripture euidentlye do reproue you. Yf you graunte yt, then alſke I farther, vvhat yf any ciuill gouernemente more or leſſe be annexed and vnited to theis inheritances (As yt ys not onlye in Empires and kingedomes, but in manye Dukedomes, Erledomes, yea & Lordeſhippes alſo) Whether ſhe ſhalbe excluded from the ſaide her inheritance? Yf ye ſaye yea, then do you ſaye againſt the ſcripture: yf ye ſaye that the Inheritance muſte remaine in her, and the ciuill gouernemente to others, then ſaye ye againſt all reaſon, againſte the vſe manner and cuſtome of the vvhole vvorlde. Yt ys but your ovvne fonde foliſhe gloſe. Where vpon I do inferre, that vvomanlye gouernemente ys admitted not onlye by theys examples, but eauen by the very

*Leuit. c. 6.*

*Yt ſeameth plaĩe by the rules and vvordes of holye ſcripture that a woman maye haue ciuill gouernemente.*

rye vvordes, rules, and decrees of the holye ſcripture. And ſo I truſte ye are or haue cauſe to be fullye ſatiſfied, as vvell to wchīge your allegatiō that vvomālye regimēte ys againſt nature, as alſo touchīge a brother to be choſē kinge. And therfore I cōclude againſt you, that neither the lawe of God, nor of nature, nor yet reaſon, vpon the vvhiche alſo you grownde your ſelf, do reiecte the ſaide Qu. Marie frāche ſucceſſiō of the crowne of Englande. Your reaſon ys, that where the people erecte them ſelf an head of theire owne kinred and nation, there nature aſſuerethe the people of naturall gouernemente. And vvhere a ſtranger cariethe opinion of vnnaturall tyranie, yt aſſuerethe the ruler of naturall ſubiectiō. To a ſtranger ys murmorre and rebellion threatened. But nowe yf this excellente Ladye and Princeſſe be no ſtranger, and be of our owvne kinred, and of the aunciente and late Royall bloude of this realme (as vve haue declared) then ys your reaſon alſo vvith all auoided, which maye and dothe oftētimes take place ī more ſtrēgers, cōminge in by violēt and forcible meanes. But here as naturall a man, as ye make your ſelf, ye ſeame to go altogether againſt reaſō, and againſt nature alſo. Yf Princes children

*Neither the lawe of God nor reaſon is againſt the Quene of Scottes right, as the aduerſaries pretende.*

vvere

vvere to be counted ſtrangers and aliens, or to be ſuſpected as enemies and Tyrãs, ſuccedinge to theire owne progenitours inheritance. Yt vvas an vnnaturall parte, & a greate follye in the noble kinges of this and manye other realmes, to geue ovvte theire dawghters to forren Princes in mariage: & in ſteade of p̃ferringe & auancinge them by threire mariage, & procuringe therby frẽdſhippe and amitie with other Princes, to diſable theire ſaide children from theire auncetours inheritances in thoſe contreyes, frõ vvhence they originallye proceded. And as it ſeamethe by your kinde of reaſoninge, to purchaſſe and ꝓcure beſide to them therby an opinion of ennemitie and tyranie. This, this I ſaye, ys a frovvarde and an vnnaturall interpretatiõ. Nature mouethe and driueth vs to thincke othervviſe, and that bothe a prince vvill fauour, loue, and cheriſhe the people from vvhẽce he fetcheth his royall bloude, and by vvhõ he muſte novve mainteine kepe and defende his royall eſtate, & that the people likewiſe will beare ſinguler loue and affection to ſuche a one, eſpeciallye of ſuche knovven princelye qualities, as this noble Ladye is adorned with all. Suerly yt

*A frovvarde ãdan vnnaturall interpretatiõ of the aduerſarie.*

yt ys no more vnnaturall to ſuche a Prince
*The Que. of Scottes no ſtrãger to Englãd.* deſcendinge from the aunciente and late Royall bloude of the kinges of Englãde, to beare rule in Englande, and as yt were to retorne to the head and fowntaine from whence originallye ſhe ſprange: Then yt ys for all flouddes and riuers, (which as homer ſayethe) flowe ovvte of the greate Oceã ſea.

21. Iliad. Εξ ὅπερ πάντες ποταμοὶ καὶ πᾶσα θαλάσσα
καὶ πάσαι κρῆναι, καὶ φρέατα μακρὰ ῥέουσι.

*Eccleſiaſtes cap. 1.* To reuerte, returne, and reflovve againe to the ſayde Ocean. This coherence, coniunctiõ, copulation, inclination and fauour runinge interchangeablye, betwixte ſuche a Prince and the people, ys no more ſtrange to nature, then ys the cõiunction of the tree and the rote therof, then of the fowntaine and the riuer iſſuenge from thence, then of the ſonne, and the ſonne beames: & finallie, then ys the coniunction betvvixte the olde ancient louinge grãd mother and her yõge and tender dawghter. Neither do I well knovve howe I maye better call noble England, then a louinge grandmother to this good gentle Ladie whom vve (I do not dowbte, yf euer God call her to the Royall ſeate therof) ſhall not onlye finde a louinge ãd gratiouſe maiſtreſſe, but a moſt deare ãd tender

tender good dawghter. For theis and other conſiderations, the lawes of the realme do not, nor euer did eſtrãge ſuche princes from the ſucceſſion of the crowne of the realme. Which by reaſon of the ſaide naturall inclination and beneuolence of the one to the other, ſtandethe vvith the lawe of God & naturẽ, & with all good reaſon. And therefore your cõcluſiõ ys againſte Godes lawe, nature, and all good reaſon: Whereby you full vngodlye, vnnaturallie and vnreaſonablie, do conclude an excluſiõ of the Quene of Scotlande (pretendinge her to be a ſtrãger) to that right, that God, nature, and reaſon, and the trevve hartes of all good naturall Engliſhemen, do call her vnto, as the deare ſiſter and heire apparente to our noble Quene Elizabethe. The which her ſaide iuſte right title and intereſte, we truſte we haue nowe fullye proued and iuſtified, and ſufficientlie repulſed the ſondrie obiections of the aduerſaries. And as theis beinge the principall ovvght to breade no dõwbte or ſcruple in any man, ſo manye other folyſhe, fonde and fantaſticall obiections, not worthye of any anſvvere, that buſie quarrelinge heades do caſte forthe to diſhable her right, or to diſgrace and blemiſhe, either her honour,

nour, or thys happie vnion of bothe realmes, yf God ſhall ſende yt, in takinge our gratiouſe Sovereigne from vs withowte iſſue (vvhich God forbide) ovvght muche leſſe to move any man. Whoſe maieſtie God longe preſerve and ſhylde, and bleſſe her yf yt be hys pleaſure vvith happie iſſue. But yf yt pleaſe hym eyther to bereave vs of hyt maieſtie, or her maieſtie of all ſuche iſſue, then yet (that we maye not be altogether lefte deſolate & confortleſſe) thys happye vnion vvill recõpence and ſupplie a greate parte of thys our diſtreſſe. An happie vnion I call yt, by cauſe yt ſhall not onlie take avvaye the lõge mortall enemitie, the deadlie hatred, the moſt cruell & ſharpe vvarres, that have ſo manie hundred yeares bene & continued betwixt our neighbours the Scottes and vs, but ſhall ſo entierlie conſociate and conioyne, and ſo honorablie ſett forthe and aduãce vs bothe and the vvhole Ilande of Britanye, as neither tõgue can expreſſe thẽ greateneſſe of our felicitie and happines, nor harte vviſhe any greater. The olde enemitie hathe trodẽ downe & kepte vs bothe vnder fote, and hathe geuen occaſion to the cõmon enemie, as the Danes ãd other to ſpoyle vs bothe. Yt hathe cauſed for

*The greate cõmoditie that ſhall come to Englande ãd Scotlãde by the vnion of thẽ in caſe thus ſucceſſiõ chãce.*

theis

theis thowſande yeares and more, ſo infinite and ſo ovvgelie ſlavvghter, as it Will greaue and pittie anymans harte to remember, and yet neither to the greater augmẽtation of our poſſeſſions at this daye, nor to theire muche loſſe. They hauinge loſte nothinge of theire olde aunciente inheritãce ſauinge Barwikle onlie. Yf this coniunction ons happen, and yf we be ons vnited and knitt together in one kingedome and dominion, in one entire brotherlie love and amitie, as we are alredie knit by neighbourhode, by tongue, and almoſte by all mãners, faſſhiõs, and behaviour, then will all vnnaturall and butcherlie ſlawghter, ſo lõge hyther to practiſed, ceaſe. Thẽ will reſte, quietnes, welthe, and proſperitye encreaſe at home: Thẽ will all owtewarde Princes our Frẽdes reioyce, and be cõforted: & our enemyes dreade vs. Then wyll the honour, fame and maieſtye of the Ilande of Albyon daylye growe more and more, and her power and ſtrẽgth ſo greatelie encreaſe, as to the frẽde yt wil be a good ſhilde: And to the enemye an horrible terrour. Then ſhall the owtevvarde enemye litle endomage vs. Then ſhall we with our children after vs, reape the pleaſante fruites of this noble coniunction

wrovvght this to our hãdes by Godes good and gratiouſe prouidence vvithovvte expẽce, force or ſlawghter, which hitherto a nõber of our covvragiouſe, vviſe and mightie Princes, haue theis thovvſande yeares and vpvvarde, ſovvght for (but in vaine as yet) vvith ſo exceſſiue charges, vvithe ſo greate paynes, vvith ſo manye and mayne armies, and vvith the bloude of ſo manie of theire ſubiectes. Then ſhall vve moſte fortunatelie ſee, and moſte gloriouſlie enioye a perfecte and entire monarchie of this Ile of Britanie or Albion vnited and incorporated after a moſte marueloule ſorte, and in the vvorthie and excellente perſon of a Prince mete and capable of ſuche a monarchie. As in vvhoſe perſon beſide her vvorthie, noble and princelye qualities, not onlye the Royall and vnſpotted bloude of the auncïente and noble kinges of Scotlande, but of the Normans and of the Engliſhe kinges with all, as well longe before, as ſithens the conqueſte, yea and of the Britaines alſo, the moſte auncïente inhabitans and lordes of this Ilande, do wonderfullye, and (as yt were) eauen for ſuche a notable purpoſe, by the greate prouidence of God, moſte happelye concurre. The euidente

trewthe

trewthe wherof, the ſayde Quenes peti-
grewe dothe moſte plainelie and openlie
ſett forthe, to everie mans ſight and eye.
Then I ſaye, maye this noble realme and
Ilande be called not Albion onlye, but
rather Olbion, that ys fortunate, happye
and bleſſed. Whiche happye and bleſſed
coniunction (when yt chauncethe) yf we
vnthanckefullye refuſe, We refuſe our
healthe and welfare, and Godes good bleſ-
ſinge vppon vs. We refuſe our dewtie to
God, who ſendethe our dewtie to the partie
whom he ſendethe, and our dewtie to our
natiue cõtrey to whom he ſendethe ſuche a
perſon to be our Maiſtreſſe: and ſuche com-
modities and honour with all cõminge the-
reby (as I haue ſayde) to whole Albion, as
greater we can not wiſhe for. And finallye
we procure and purchaſe as muche as in vs
liethe, ſuche diſturbãce of the cõmon weal-
the, ſuche vexations, troubles, and warres, as
maye tẽde to the vtter ſubuerſiõ of this real-
me. From which dangers God of his greate
ãd vnſpeakeable mercie defẽde & preſerue
vs, & kepe, ꝓtecte & defẽde this realme with
our noble Quene Elizabethe, and the ſaide
Ladie Marie Quene of Scotlande, with the
nobilitie & ſubiectes of bothe the realmes

in mutuall frendſhyppe and godlie amitye, with longe proſperouſe eſtate and all good quietnes.

Amen.

FINIS.

Imprinted at London in Flete ſtrete at the ſigne of Iuſtice Royal, againſte the Blacke bell, by Euſebius Dicæophile, *anno D.*1569. and are to be ſolde in Paules churche yearde, at the ſignes of Tyme & Truthe, by the Braſen Serpēt, in the ſhoppes of Ptolomé and Nicephore Lycoſthenes brethren Germanes.

*A defence of the honor of the right high, right mighty, and noble princesse, Marie Queene of Scotlande, and Dowager of Fraunce. &c.*



*Imprinted* 1569.

*To the Reader.*

YE shall here receiue (gentle Reader) a certaine declaration, and purgation, touching the innocencie of the right high, and excellent princeſſe, Marie, Quene of Scotland: whoſe honor her enemies haue ſought by ſhameful meanes and ſlaunders to blemish and ſtayne, for the death of her late deare huſband, the Lord Darley. And albeit this ſlaunderous drift hath ben by them ſo artificially contriued, and ſo colourably ſet forth, as it might ſeme at the firſte fluſh to beare a ioly face and coũtenance: yet all this notwithſtanding, it was eaſy at all times for wiſe men, eſpecially that depely knewe and weyed the Scottish affaires to ſuſpect or rather to eſpie, both the chiefe authors and procurers of that wicked fact, and to what ende and purpoſe it drew. But ſithence that treuth is the daughter of light, ſo hath and doth daily the treuth alſo of the ſaide facte breake out, and shew it ſelfe more and more, to the diſcharge of the good innocent Lady, and to the moſte shamefull ignominie, yea euen of them that haue ben the moſt earneſt and hoteſt accuſers of their owne innocent princeſſe and ſoueraigne. VVhich her ſayd innocencie I doubt not ſhall euidently appeare to all ſuch as with ſincere and vpright iudgement, and without al affectionate parcialitie, wil reade this treatiſe now following. VVhich although it was minded by the author therof to haue ben ſet forth as a parte of an other booke, which is in hande, concerning the ſayd noble princeſſe: yet perceiuing the inconſiderat rayling of ſome ſeditious perſons to haue ben ſuch, as could not conteine them ſelues vntil the time the ſame hath burſt forth as wel by printed as vnprinted bookes: which hath moued the author herof, to ſet forth this preſent treatie before the others, which the Reader shall expect and loke for alſo in dew and conuenient time. And

becauſe the ſeditious authors of theſe blaſphemous treaties, haue moſt ſlaunderouſly inueighed againſt her highnes. VVe haue therefore anſwered to all the principall obiections which they and others haue framed and made againſt her. By the which anſwere you ſhall ſee her integritie and innocencie, and withall that her accuſers haue in this matter played ſuch a tragedie againſt their giltleſſe and innocēt Lady and Soueraigne, as lightly the world hath not heard of the like. The which their falſe ſlaunderous, outrageous, and rebellious doings, it is hoped that our gracious Queene will well conſider, and ponder. And will take ſome conuenient order alſo: as well for the repreſſing of them, as for the reſtitution of the ſayd Q. Mary vnto her owne realme. And the rather, becauſe our ſayd Queene is learned and therfore not ignorant what commendation and immortal fame many Kinges haue purchaſed to themſelues, for ſuch benefites beſtowed vpon other Princes, being in the like diſtreſſe and extremitie: the monuments of antiquitie as well prophane as eccleſiaſticall, are filled with the memory of ſuch noble facts. In holy ſcripture we reade that Abraham couragiouſly and manfully deliuered his brother Loth with certaine kinges taken priſoners, by their enemies. Cyrus deliuered the Iewes from captiuitie. Euelmeredach deliuered Ioachim the king of Iuda out of priſon. The Romanes did write to diuers kings in fauour of the Iewes vniuſtly oppreſſed. VVhat ſhall I ſpeake of Alexander the great that reſtored Elda the Queene of Caria. Or of the foreſayd Romanes that reſtored Maſſiniſſa the kinge of Numidia, with many other kinges. Or of our noble Cordell that ſet vp again in the royall throne of our Britany her father, driuen from thence by his two other vnkind and vnnatural daughters. Some Princes of this our Realme haue in their great calamitie, and among

*The commendatiōs of diuers kinges for releuing of other princes beinge in calamitie. Gen.14 Eſdr.1. 4.Reg.cap. finali. 1.Mach.15*

mong others king Henry the ſixt found much comfort, friendſhip, ſuccour, and reliefe at the kinges handes of Scotland. This Lady and Queene deſireth now to taſte the like at our Queenes handes: wherby ſhe ſhould winne greater commendation, then did Charles the late Emperour, for reſtoring either Francis Sforcia to the Dukedome of Millane, or Muliaſſes to the kingdome of Tunes: or his ſonne king Phillip for procuring the reſtitution of the Duke of Sauoy. For this Lady and Queene is her next neighbour by place, and her nigh coſen and ſiſter by blood. She is a Queene, and therfore this were a fitte benefite for her reliefe frō a Queene. Yea ſhe is as it were her daughter, both by daughterly reuerence ſhe beareth her Maieſtie, and by reaſon ſhe is of G O D called to the daughters place in the ſucceſsion of the crowne, if her Maieſtie faile of iſſue. And I doubt nothing if ſhe employ this motherly benefit vpon her, but that ſhe ſhold finde her a mindefull, thankfull, and an obedient daughter, yea rather an handmayden. For of all women in the world, ſhe moſt abhorreth ingratitude. She hath hitherto depended onely vpon the hope to haue help and ſuccour of her Maieſtie, geuing ouer partly voluntarely, partly at the motion of her Maieſtie, diuers ſuccours, by other mightie puiſſant Princes her friendes, freely to her offered: repoſing her ſelfe vppon the princely promiſes that her Maieſtie hath made ſundry times, as wel by letters as by meſſengers for her reliefe, when ſoeuer oportunitie ſhould occaſion her to craue it. For theſe and many other conſiderations, there is good hope (as I afore ſayde) that our gracious miſtreſſe will take in hand her reſtitution. VVhervpon I truſt ſhall folowe ſuch farther and entire amitie betwene them and their realmes, that the benefite, fruite, and cōmodities therof ſhal plentifully redounde as well to all the poſteritie of both the ſayd realmes hereafter, as to vs preſently. *Fare well.*

*The great truſte that the Q. of Scots hath euer had in her dere ſiſter the Q. of England.*

*A defence of the honour of the right high, right mighty, and noble princeſſe Marie, Queene of Scotland, and Dowager of Fraunce.*

IT were to be wished that as God and nature haue moſt decently, ordinately, and prudently, furnished and adorned man with two eies, two eares and but with one mouth, and one tongue, wonderfully brideled and kepte in with the lippes and the teeth: ſo men would both conſider the cauſe of it, and the great prouidence of God therin, and after due conſideration, vſe them ſelues accordingly: then should we ſone learne and practiſe a good leſſon, to heare and ſee many thinges, and yet not to runne on headlong, nor rudely and rashly to talk of all we heare or ſee: but to talke within a compaſſe and to deferre all our talke to a temperancie, and ſobrietie, and to a knowē tryed treuth, eſpecially when the ſayde talke may ſounde to the blemishing and diſgracing of any mannes good name and eſtimation. But nowe a dayes (the more pitie) there is nothinge almoſt, but that, as ſone as it is receyued by the eye or eare, muſt forthwith be lashed out againe by the mouth, ſuch a ſuperfluous and curious itching haue we, diſſolutely and vnaduiſedly to talk of all matters: though they tende to the great hinderance and infamie of our brethren, and though we be nothing aſſured of the certaine treuth of the matter, yea without reſpecte to priuate or publike perſon. Of ſuch vnbrydeled talke no man or woman in our dayes hath I ſuppoſe more iuſt cauſe to complayne, then the right excellent princeſſe, Lady Marie, Queene of Scotlande, whoſe honour many haue gone about to blot and deface, in charging her moſte falſly and vniuſtly with the death of her late husband the Lorde Darley.

*Why nature hath giuen to man two eyes and but one tongue.*

For

For the defence and maintayning of whoſe innocencie in this behalfe, we intende to lay before thee (gentle Reader) the moſte chiefe and principall reaſons, groundes, and arguments, whereupon the patrones, the inuenters and workers of all this miſchecheuous and deuiliſh driftes, foūd thē ſelues, and al their outragious doinges, and then conſequently to infringe and repulſe the ſame. For to rehearſe, anſwere to, and repeale all their aſſertions and obiections, it would require a very long, tedious, and a ſuperfluous diſcourſe: In aſmuche as theſe Ioly gay oratours meaſuryng their doinges more by nōbre of falſe obiections, then by trew ſubſtātial and pithie matter, to make a goodly floriſhe and a trime ſhewe to face out and countenaunce their crafty luglinges, and to couer there diſordered dealinges withall, haue raked me vp and heaped together, one vpon an other, againſte their good miſtres and ſoueraigne Queene, no ſmal nombre of ſlaunderous articles. But in all this rablemēt, in all this rakinge and rackinge what thinge els do they but vtter and diſcloſe their owne ſpitefull malice and malicious ſpite, to the diſcreditinge of their cauſe, and themſelfes alſo? Euen as thaccuſers of Ariſtophen amonge the Atheniens did, by whome he beinge nintie and fiue tymes greuouſlie accuſed, was yet euery tyme by the Iudges, cleared and founde giltleſſe. As I no whit doubt but that this good Innocent Lady wilbe, by the verdite and ſentēce of all indifferent men ridde and vnburdened, in like manner, of all manner of ſuſpicion, that theſe reprochfull men woulde by theyr malice, and ambition, bringe her into by theyr wilfes, with all the worlde. For as goodlie and as great a muſteringe as they make, two partes of their ſlāderous accuſations at manifeſt falſe, open vntruthes and fonde forged lies. The reſidue thereof, though in ſome parte they beare truth, yet are they full calūniouſlie,

*Ariſtophē 95. tymes accuſed, euer cleared hym ſelfe.*

niouſlie, and maruelous malitiouſly depraued, drawen and wreſted to the worſt. The effect and drifte of the whole tendeth to this, that firſt they wold we shold beleue, that after her mariage her mind was, as it were, alienated from her husband. Secondly they pretend certain letters, that they ſurmiſe and would haue, to haue ben written by her graee. VVherby they ſeeke to infer againſt her many a preſumption, as their wylie braines imagine. But the moſt weightieſt of them all ſeemeth to them to be her pretenſed mariage, wherof we will laſtly intreate. And yet, when they haue all done, when they haue caſt vp, and vomited out of their infected and poyſoned cancred ſtomake, all their ſpite and malice againſt her, they shal neuer be able by any direct and law ful means fully to proue any thing at al, wherby they may ſtain her graces honour, in any one of the foreſaid pointes. Had they brought forth any ſuch neceſſary cõcluding illation, we had not attempted this defence in her behalfe, but would haue yelded and gauen place to an open knowen treuth. But ſeeing that the beſt matter they haue to ſupport their doings withall, is nothing els but meare and ſlender preſumptions and ſurmiſes, which yet are not of the ſureſt and moſt probable ſorte, neither ſuch as are *præſumptiones iuris & de iure, contra quas non admittitur probatio.* Seeing alſo that we ought alwaies in criminall cauſes, but chiefly when a Prince is touched, who is Gods anointed, to be more proclyue and prone to fauour and mildenes, then to indignation and hatred: to be readier to abſolue and releaſe, then to detaine and condemne. And that is it farre more better, and a more ſafer, more indifferent, and vprighter way to ſaue the giltles life, then to condemne and caſt away the innocent: I truſt and am in an aſſured hope, that all the indifferent readers hereof (this being the cauſe and wofull aduerſitie of a prince, wheras the like eſtate of

*The principal grounades where vpon the Queenes ennemys graund their defamation.*

*Men ſhold be alwaye rather prõe to abſolue then to condemne.*

princes ought, and is wonte to moue and ſtirre all honeſt harted men to cõmiſſeration and pitie, and to doe their indeuour to the redreſſe and reformation of ſuch wrong and oppreſſion done) will with indefferencie and without all partialitie, weigh and conſider the allegations of the one and of the other ſide, and iudge of the matter, as it falleth out, accordingly: which is the very thing, we moſt deſire. VVe aſke them then, why the better and the ſtronger preſumptions ſhould not elude, auoyde, and ſet backe the weaker and the worſe? This ſexe naturally abhorreth ſuch bucherly practiſes. Surely rare it is to heare of ſuch foule practiſes in women. And may we finde in our harts, to beleue, that it is now at length found in, and practiſed by ſuch a Lady and princeſſe, from whoſe perſon her noble birth, her honourable ſtate, and princely education, and the whole trade of all her godly, and vertuous life paſt, do farre repell, and driue away all ſuch ſuſpicion, and coniecturall preſumptions: and whome all Chriſtian princes haue had in high eſtimation, and worthy price, for her great prudencie, and many other princely qualities, the which full goodly do adorne and bewtifie the grace and comelineſſe of her royall perſonage. Doth any man or woman fal to extreame lewdnes all at once? No verely, we do both riſe and fall by degrees, as well to all ſinguler vertues, as to all extreame naughtines. Let them ſhew me then if they can, any euill doinges in all her former life, wherypon to make a ſiniſtre diuination, to faſten vpon her, their trecherous accuſations. VVhat vnſeemely, outragious, and vnprincely part hath she hitherto played? Let the noble realme of Fraunce teſtifie of her demeanure, and behauiour. Let her owne ſubiects that be not her open enemies, charge her as farre as they can. Yea let theſe her open enemies, and her double double traitours accuſe her hardely, and ſpare her not.

*Preſumptiõ for the Queenes innocency.*

But

But yet let them well thinke withall, at their better layſure, and when they ſhalbe better aduiſed, whether there be any indifferent perſon, who will not both deteſt, and vtterly abhorre, the vile, and monſtrous nature of ſuch ingrate traitours: or that will not thinke it farre vnlike that this noble Queene, who hath ſo graciouſly pardoned them for double or treble treaſons, would euer finde in her hart, ſo to vſe her owne deare husband? This is vnlikely, this is incredible, and the more all circumſtances conſidered. For, if ſhe had ben ſo deſirous to haue ben rid of him, as they falſely and malicioufly imagine, and reporte her to be, ſhe had good and lawfull meanes to ſerue her turne. Albeit, he was her head in wedlocke, yet was he otherwiſe, but a member of the Scottish common weale. Subiect to her, as to his principall and ſupreme gouerneſſe, and to her lawes. By the due and ordinary courſe wherof, he might iuſtly haue ben conuicted, condemned, and executed, as well for the murder committed vppon Dauid her Secretarie, in whoſe body his dagger was founde ſtabbed in, as for the impriſoning of the Queene, and for attempting to remoue her from all ciuill gouernement, to intrude himſelfe thereto: and for diuers other the like pagiaunts by him played. VVho can now reaſonably thinke, that, where ſhe by lawe and iuſtice, might haue fully ſatisfied this her falſely ſurmiſed will and deſire, that ſhe wold not take theſe opportunities in this ſort offered: but omitting them all, ſeeke vnlawfull meanes to his deſtruction? I adde farther therto, as a great and vrgent preſumptiõ and token of her innocentie, and pure conſcience, that ſhe volũtarely came into Englande, (refuſing the offers of diuers of her own ſubiects, who beſought her grace, to repaire into their quarters, profering to preſerue her ſaue therin,) where ſhe knew right well to be the father and the mother of the ſayd Lorde Darley,

*It is nothing like that the Queene wold haue ſought the deſtruction of the L. Darley by this meanes whome ſhe might haue openly put to death by iuſtyce.*

*The Q. contrary to the mynde of her nobles came into England.*

and a noble Queene, that would not see the blood of her subiect and neere cosen vnreuenged, and a worthy sorte of men of Nobilitie also, who woulde neither suffer such a facte to passe and scape vnpunished, nor so vertuous and guiltles a Queene to remaine without ayde, helpe and succonre, being with rebelles and traitours shamefully oppressed, and bereaued of her royall dignitie. The worthy saying also of the wise Cassius, is here to be remembred, *Cui bono.* Whereby he did signifie, that in such doubtfull coniecturall cases, a man may make a great ayme and coniecture against the person appeached, if by the facte doinge he should enioy any speciall profite, emolument, or commoditie. If the Queene had, after his fatall and finall ende, purchased to her selfe the matching in mariage with any great and mighty prince for her greater aduancement, or any other increase of her honor, or aduantage whatsoeuer, there had ben some colour and shew, wherby you might haue an apparent presumptiō. Again, she was not ignorant, but that his death, either proceading from such naughty meanes, or otherwise naturally, was likely to be a maruellous greate staye and impediment to her greate affaires. Amonge other thinges, the confession of diuers guiltie, (as they be reported, and executed in Scotlād for the said offence) which they openly made at the time of their death, doth tende much to the aduancing and approbation of her innocencie. These men yet, peraduenture wil replie and say, that these are but slender presumptions: and yet, were it so, that they were of force sufficient, they must yelde to a proued truth. It remayneth now then that we consider how sure and substanciall their proofe is. Concerning therfore the first parte, we do not altogether denie, but that she was somewhat estraunged from him, and therefore they might haue spared a great sorte of their needles, and friuo-

*The notable saying of Cassius: Cui bono. Cicer. pro Milone.*

lous

lous arguments, and yet flatte and plaine lies withal, to proue the same. But fie vpō the crueltie of the dogged harts of these accusers, who were the very authors them selues, and them selues the only workers and bringers to passe of all this discorde, trayning this selie yong gentleman by their guilefull and wylie circūuentions, wretchedly to conspire with thē against his own dear wife, and drade Soueraigne, to the most cruel and detestable slaughter of her trusty Secretarie, Dauid, and to the imprisoninge of the royal person of the very queene her self. These, and many other like prankes, as the reuocation of you the earle Murray, and of other traytours of your alie and affinitie without the Queenes knowledge, by the Lord Darley, his youthfull, rash, and temerarious deuise to depart the realme: with many other like practises, purposes, and attemptes, for his princely persone very vnmete and farre vnseemely, ye ceaftely suppresse and speake no word of, for feare of burning your owne clothes. I say therfore, fie, and double fie vpō the impudencie and vilany of these mischeuous traitors, now to lay to the Queenes charge, aud reprochfully to obiect to her the changing of her mind toward her husband, which rose and began vpon causes for the which they had ben long erst trised vp, if they had not fortuned vpon, and met with so gracious a mistresse, as I knowe, and they, though vndeseruing it, wel feele, that the whole world hath very few her like. And yet, al this your pretensed alienation of her accustomed fauour frō him, notwithstanding her very motherly care (for besides al other respects, though thei were not far differēt in yeres, she was to him not only a loyall prince, a louing and deare wife, but a most carefull and tender mother withall) was neuer a deale lessed or minished. Albeit for a time she did dissemble, and forbeare outwardly to shew and vtter her inwarde harte, and affecti-

*The Q. enmyes lay to the Q. dyscorde with the L. Darley whereof they were the occasion.*

oriate loue, vpon moſt iuſt, and good reſpectes, as the maner and practiſe of prouident and moſt louing parents ofte times is, toward their deareſt childrē, for the better reclayming of the wandring minde and wauering will of the youthfull vnaduiſed gentleman. And therfore, hearing and aduertiſed that he was repentant, and ſorowfull, and that he deſired her preſence, she without delay, thereby to renue, quicken, and refresh his ſpirites, and to comfort his hart, to the amendment and repairing of his health, lately by ſicknes ſore impaired, haſted with ſuch ſpede, as she cōueniently might, to ſee and viſite him at Glaſco, where, as alſo at diuers other places, eſpecially at Edenborough, she from time to time moſte louingly intertayned, and moſte tenderly cherished him euer, euen to the very laſte hower that euer she ſawe him. VVherby it did to all men moſt euidently appere, that al maner of diſpleaſure, or variance, whatſoeuer your coniectural ſurmiſes ſuppoſe to haue ben betwen thē, or your ſeditious practices, and ambitious procedings had ſowen in their ſtomakes and mindes, was not onely now wel aſſwaged and fully appeaſed, but vtterly for euer quēched, as being altogether forgottē, and trode, to your much miſliking and great diſcomfort, vnderfoote of them both, neuer to be renued again. But, foraſmuch as theſe mē do wel perceiue, that, if this be true, (which is in deede ſo certainly true, that they them ſelues, are, for the manifeſt euidencie therof, euen driuen, and forced to acknowledge, and cōfeſſe the ſame) then their great Sampſon poſt of diſcorde and debate, wherwith they wold vnderprop and vpholde all their traiterous proceadings, as alſo this their miſcheuous accuſation, and greuous crimination, the which they had fully now cōceiued, and brought, as they hoped, to perfection, by the miſcheuous driftes of their shrewde wylie, deuilish diſpoſed braines, againſt her, would faile them, and fall

*The Q. was reconſiled to the L. darly before his deathe.*

to the

to the grounde: for this conſideration I ſay, they now, meaſuring theſe moſt commendable doings of the very vertuous and well meaning Queene, by their owne deepe and double diſſembling crafty nature their former drift ſayling them, begin to lay a new foūdation to build their long conceiued treaſons on, and ſay that al this curteſie, fauor, loue and amitie, was but a ſet matter on her part, and colorable shew, and a diſſembled drift, and fained pretence by her couertly cōueyed, vpon none other purpoſe, but to flater and entice him to Edenborow, to his bane, which ſay they, apeareth by her owne letters. It irketh and greueth them to the very hart to heare of this reconſillatiō. And therfore they roule and tumble from one kinde of lying rethorike to an other, euen quite contrary. For as afore they found great fault with her, for eſtranging her fauour from him, ſo now at the laſt they miſlike at her great trauell taken in her progreſſe to viſite and comfort him, iudging and reputing all her duetifull kindnes, as hypocritical and counterfeited diſſimulation. VVherin by their malicious conſtruing and wrong interpreting of wel and commendable doing, they repreſent the naturall diſpoſition, and frowarde inclinatiō of their great Sier and progenitour the deuill. VVho hath that name, for that he is willingly, and of purpoſe a malitious falſe reporter, and a ſlaunderous accuſer. As for the letters they take holde on, and ſlaunder her for, we shall hereafter examine them, what weight they beare. VVell then, if there were ſuch a reconciliation made betwene them, as I haue ſaide to be, as there is litle or no cauſe at all, why any man ſhold thinke, that the Queene were priuie or aware of the meanes of his death, ſo may it ſeme but more ſuperfluous for vs either to rehearſe what ſurmiſed difference were betwene them, or to confute the falſitie of all ſuch allegations. Namely ſeeing that in ſome therof, they

*The aduersaries charge the queene with their owne wicked deuises.*

charge the moſt innocent Queene, with their owne moſt lewde, naughty and wicked deuiſes, and deteſtable practiſes. As for an example and proofe therof. The earle Murrey, and his counſel, perceiuing that for a time the Queene ſeemed not wel to like of her husbandes doings, (albeit what ſo euer her ſaid miſlikinge were, it was, as is aforeſaid, for the loue of him, in reſpecte of his owne profite and commoditie) beinge very deſirous to bringe home againe their confederated mate the earle Murton (who then was in banishmēt, and remayned in England for the ſlaughter of Dauid her Secretarie, without whoſe preſence and preſent aduice, their fetching practiſes were halfe maymed, and lacked force to take effect) were earneſt ſuters, that if ſhe would pardon him, they would procure a diuorſe betwene them: whereto she would not agree. But what haue theſe good men nowe done, thinke ye, in this parte? Surely they haue played the ſaide pagiant with this innocent Suſan, as the two wretched Iudges did play with the other former Suſan. They lay hard to her charge their owne naughtie and wicked counſell and deuiſe. It were therfore, but a vaine and loſt labour for vs, to ſtay and tary long vpon the confutation of their owne crafty malicious inuentions and proceadings, in procuring an alienatiō of the Queenes mind from her deare and welbeloued husband, or vpon any other alienation whatſoeuer, it ſo being, that they themſelues, can not denie but that there folowed a good pacification and reconciliation betwene them. We will conſequently therfore, conſider the ſeconde principall poynte of our diſcourſe. For they ſay that they haue a ſufficient proofe to iuſtifie the chiefeſt parte of their accuſation. A proper iuſtification pardie. This, this, is their ioly witneſſe, this is their ſingular iewell, wherby they ſet great ſtore, the value wherof in their eye ſight they repute and accompte as of an

*The queene moued by them to make a diuorſe with the Lorde Darley. Dan. 13.*

*The accuſation touching letters ſent by her to therle Bothwell.*

JOHN LESLIE

*The Copie of a Letter Writen*
*out of Scotland*
*[1572]*

Syn. S. 57. 63

# THE COPIE

## *of a Letter writen out*

of Scotland, by an English Gentlemã of credit and worſhip ſerving ther, vnto a frind and kinſman of his, that deſired to be informed of the truth and circumſtances of the ſlaunderous and infamous reportes made of the Quene of Scotland, at that time reſtreined in maner as priſoner in England, vpon pretenſe to be culpable of the ſame.

R. 12. 74.

WHereas you require me, to ſende you myne owne knowledge & the trueſt informatiõ that I can otherwiſe get, touching ỹ

A troth

troth or vntroth of thinfamous reports made of the Queenes Maeſtie of Scotland, for & a-bout the death of the Lord Darley her late husband: vnderstād you, that albe it your requeſt may do much with me, yet whē I haue gone about to accom-pliſh therſame, I find the enter-priſe thereof greater, then per-haps it semed to your ſelf: the practiſe of the matter conſiſting in many parts depending all vpon an other from ſundry ye-res paſt, ſo ſecretly contriued, that now some difficultie is it, to boult out the truth, & with-al the particularities & circum-ſtāces ſo intricat, that it would require the labour of a better penman, then my ſelf, to ſet out the ſame.

And that which I haue don albeit I began it at your re-

queſt

quest, yet when I had entred to informe my self of the bottome therof, I began then to thinke, that euen for dutie & conscience sake, I was bound to bestowe therin alitle more paine, regarding the terrible sequeles and lamentable consequẽces, which I might perceiue were intended to be grounded & builded vpon such forged foundations and malitious inuentions, as I plainly discouered from time to time to be newly contriued, not only first agaynst her Maiesties self, but then also against her said husband, & euery other good seruant and subiect, that could not be hoped to be won to the Aduers partie: I meane James Stewarde bastard brother to the Queene, Priour of S. Andrew. who though he had bene created by her Earle

of Murrey, & aduanced to more then 25. thousand pounds Scottish of yearely reuenue, had yet his eye bent vpon such a marke & ende, as few or none of long time were able to espie: that is to say, an aspiring ambition to vsurpe ẏ Croune of the Realm vnto himselfe, so as whiles they ẏ first set him on worke, suborning him to take the matter in hand, & stil supported him in the same, thought thereof to serue their owne turnes, & least minded that, whiche he most eyed: euen so did he likewise in his course and path, by accepting their pensions and so muche of their counselles, as made for his turne, serued him selfe, and made his profit of them.

And now for the more plain, orderly and compendious opening of the matter, I haue thought good, so to frame my speache

ſpeache, as if my ſelfe were the anſwerer of the Obiections, & to diuide the ſame into fower parts or chapiters. In ẏ firſt I wil place the Anſwers to certein friuolous preſumptions, that ſeme to be gathered out of ſome infamous libel, or ſlaũderous pamflet that hath bene ſet forth againſt ẏ Quene, & ſhewed in ſundry Cours of Princes abrode: whereby they labour to induce ſome ſhew of likelihod, that ẏ Quenes Highnes might be cõſenting to the murder of ẏ Lord Darley her late huſband: whom they themſelues cruelly made away, as in ẏ courſe & proceſſe of ẏ matter ſhal clerely appere. And in that part alſo ſhal enſue vehemẽt preſumptiõs on the cõtrary ſide, that maketh it more thã probable, that it could not poſſibly be, that her Grace ſould be conſenting therunto.

2. In the ſecond you ſhall ſee the Obiections of the Accuſers, with the Anſwer that is to be made vnto them, & therwithal certein cleare and notorious proufes of her Maieſties innocēcie, for any maner foreknowledge or conſent there vnto.

3. In ỹ third Chapter you ſhal finde, not only vehement preſumptions, but moſte cleare & euident proufes, that her Accuſers them ſelues, mainely the Earle of Murrey her baſtard brother, were the contriuers, procurers and ſome of them the Actors of the ſayd murder.

4. The fourth Chapter ſhal diſcipher vnto you the whole plat of this foule tragedie, with the particuler parts therof, frō the firſt Acte to the laſt, ſo farforth as may yet be opened, ha

uing

ning ſuch reſpect, as is conue-
nient to ſome of the parties pet
lurying, with a ſhort remon-
ſtrãce of Gods wonderful wor
kinges therein, in merciful pre-
ſeruing the innocent Lady and
her deare ſonne, in diſcouering
the drift of theſe moſte lewde &
vile practiſes, and due pũniſh-
ment already taken vpon ſome
of the Malefactors.

The anſwer to certen frivolous ſurmiſes made by the ſlaunderers, wherby they laboure to inſinuate ſome likelyhod, that the Queene of Scotland ſhould be conſenting to the murder of the Noble prince the lord Darley her late huſband, together with other vehement preſumptions produced in her defence to the contrary.

2. IT is like (say they) she was willing to the murder: for there was no good agreement betweene the Queene and her said husband.

2. Item, the said Lord Darley was not so honourably buried, as had bene conuenient.

Answer to the first. To the former of these two ghesses it is answeared, that though there had bene once in very dede some vnkindnes betweene them, by reason of the Lorde Darley being abused for want of yeares & experience by the subtile practises of the craftie sore the Earle of Murrey & his Complices, who sought to kindle in the mind of that noble yong Gentleman an ambitious desire to aspire to the kingdom, & to conceaue vnkindnes in the Queene,

Queene, for that hauing made him her husband, she did not also forthwith make him king of her Realme, hauing therfore perswaded him, to ioyne with them in the murder of Dauid her faithful Secretarie (whom they made him beleue to be his hinderer) and in the vndutifull and insolent restraint of her person: yet the sayd Lord Darley sone after finding his owne errour, and perceiuing, that their attempts tended to farther and worse ende then at the first pretended, and being ashamed of his very euill & vnkind dealing, through euil counsel, toward her Highnes, to whom he was so singulerly bound, reconciled him selfe in suche harte sort to her Grace, and so discouered vnto her all the deuisementes, that he knewe of

the said Murrey and his Complices: that al thing past being remitted, ther renewed betwen them as harty loue, as euer had ben, according to the old & true saying: Amantium iræ amoris redintegratio est. And therupō (for proufe that the reconciliation was vnfeyned of her part) by her excellent wit and policie first she saued both him and her self, by making shift secretly in the night to escape out of the chamber: where after the murder of Dauid they had rudely thrust her being great with childe, and detcined her imprisoned with no small danger of her life.

Moreouer her Highnes hearing not long after, that vpon his arriual at Biasco, he was fallen sicke, forthwith repaired to him with all spede, cumfor-

ting

ting and cherishing him in all
the could, till she had recouer-
red him: and euen so likewise
at Edenborough she kept cõ-
pany with him, and tenderly
cherished him euen to the very
last houre that euer she sawe
him, so that longe before his
death there was not only a per
fect reconciliation betweene thẽ,
but suche hartie and faithfull
loue, as no practice that Mur-
rey and his fellowes could
make, was hable effsones to
worke any breache betweene
them. which considered, and
being notoriously knowen
to be true, a man may with
Terence truely say to the sug-
gester of that presumption:

Non sat commodè
Diuisa sunt temporibus tibi,
Daue, hæc.

To the second presumptiō by the slaūderers alleaged, in that he was not so solemnely buried, as was conuenient: it is answered, that his body was honourably enbalmed, seared, and interred bysides king James the v. her Graces father, and was accompanied to that place with Justice Clarke, the Lorde of Traquar, and many other Gentlemen of reputation. The ceremonies in dede were (against her Graces wil) the fewer, bycause the most part of her Councell were Protestants, who could abide no ceremonies, & some of them had before interred their owne Noble parents without accustomed solemnities and ceremonies.
3. But it had bene no harde matter for her Highnes, neyther wanted she wisedome and policie,

licie, if she had bene guiltie of his death, to haue cloked the same with solemne funeralles: which hath ben, & is a thing very vsu[illegible] & cõmon in such cases.

The two simple presumptions of the Aduersaries being thus truely answered, I will now lay foorth certaine others on the other side of farre more weight, to shewe, that it was neither likely, nor almost possible, that her Highnes could be consenting to that foule murder of her dere husband.

1. First, bycause that Sexe generally abhorreth by nature suche horrible murder, it could not possibly be, that of many other women her Highnes (who had alwaies before appeared to be of a most milde, courteous & honourable nature, seeking by wonderfull clemencie & mercie to winne

to winne the harts of her ene-
mies (of whom she had before
pardoned some more thē once)
could by any likelyhod fal vpō
the sodaine frō the heigth of so
excellēt vertue, as she was re-
noumed for through Christen-
dom, to the depe pit of such hor
rible synne and cruelte: as to
murder her owne husband, a
noble and goodly young prince
whom shee so tenderly loued.
For that as good men assisted
with Gods grace, doo dayly
rise as it were by degrees from
vertue to vertue: so no man
becommeth vpon the sodaine,
of excellent vertuous, extreme
vitious, but descendeth rather
by diuers stepps from worse to
worse, before he come to the
hiddeous bottomme of suche
vnnaturall cruelte, as vnneth
a Tygre, or any other sauage
beast

beast would haue vsed to ſtrde her make.

Secondly if her Highnes had 2.
bene desirous to haue bene rid of him (wherof there is no probabilitie) ſhe had good & lawfull meane to haue compaſſed that by ordinarie course of law, for the murder of her Secretary, in whose body his dagger was founde sticking. For though he were her Graces husband, yet was he in an other respect her subiect, and vnder her lawes.

Thirdly she wold not cõsent 3.
so much as to be diuorced from him, whervnto diuers of her Nobilitie earnestly aduised & persuaded her: to whome she modestly and lovingly answered, that she would in no wise so doo. For though he were yet yong, and somewhat loose,

for

for want of experience and staied wisedome: yet shee nothing doubted, but he would in time proue a noble, wise and vertuous Gentleman, and that she should with her dutiful and louing behauiour toward him sone winne & reduce him from those smal ouersights, which his tender myude corrupted with euil counsel, had fallen into, whereof she sawe in him alreadie a modest misliking, and thereby great cause to hope as she did. But that euery way how so euer he should at any time forget him selfe, yet shee would neuer wittingly cõmit thing, whereby shee should on her part, seeme in any respect vnmindefull of her dutie toward him, whome shee did and would hartely loue, not doubting of the like in time

at his

at his hande toward her.

Fourthly, it is to be considered, and not impertinent to this weighthie case, to obserue the Rule of Casius, in examinyng and consideryng, Cui bono? Whiche in suche coniecturall causes may geue great light of the truth, by noting, whether parte, the accuser, or els the accused, were like to take moste benefit by the fact. 4

It is certain, that her Highnes could gaine nothing therby, but the heauy displeasure of God, and perpetual infamie to her personne: without the hasarding whereof she had good and orderly meane, by due course of lawe, to haue bene ridde of him, had she bene so disposed. But by the dispatche of him in that sorte, the

Earle

Earle Surrey gayned fleſh to be reuenged of him for reuol-ting from him, and diſcloſing to the Queene his moſte traite-rous conſpiracies and vnla-wful practiſes ageynſte her Hygh-nes: to whome the ſayd Earle was for her great liberalitie & bountifulnes towarde him ſo ſingularly bound. He geyned alſo that notable occaſiõ, which he had long ſought, to drawe the Queene into ſlaunder and miſlike with her beſt frinds: which was one principall ſtep toward the ende, wherevnto his ambitious minde tended.

The anſwer to the two prin-cipal points, wherevpon the ſlaunderers doe moſte ſtifly relye, as the chiefe colours of any probabilitie in their moſt ſlaunderous accuſation of the

of the Queenes Highnes, together with certaine moſte notorious and clere proufes of her Graces innocencie, in procuring, allowing, or ſo muche as foreknowing any whit of that horrible fact.

## CAPVT. 2.

BYſydes the coniectural preſumptions before remẽbred two eſpecial thinges are there (ſay they) ſo notorious to conuince her of procuring the murder: that ſhe nor any her frinds can euer, as they thinke, be hable to auoyde them. Obiections.

The firſt is a letter of her owne hand writtẽ to the Earle Bothwell, which letter (they ſay) was founde emong other letters in a box taken vpon Duggliſh the Earle Bothwells man: 1.

man: who was sent with the said boy to the Earle his Master, from Sir James Balfoze Capteine of Edenbozough Castle.

2. The second (wherwith they assure themselues they haue hit euē the naile on the very head) is her mariage with the Earle Bothwel, who is wel knowen (as they now say) to haue bene one of the murderers of ỹ Lozd Darley her formet husband.

This is (say they) in the iudgemēt of al the wozld such a testimonie agaynst her, as there is nothing to be said vnto it.

These in deede carie a great shew, and geue a very hollow sound: but so doth the emptie tunne, if it be knocked on, yea it geueth a greater sound, then that which is ful of good wine. So doth the Cannon charged only

onely with pouder, make as greate a noyse, as that which shooteth forth a stone, and batereth the sturdy bulwarke.

But first for answer of your letter, whiche you make suche price of, & haue so often shewed both in the Court of England, and in al other places, where you haue come, as it might be wondered, that it should not be worne in peeces with often handling long care this time, if you had not some extraordinarie meane to preserue or renewe it: I pray you, let me demaunde of you, what date beareth the letter? None, you say. No doth? wel, go to, perhaps it might be forgotten. whose name is subscribed thereto? None. No is? why, how should the Earle then knowe, whence it came?

wel

wel inough, you say, by the hand which was her owne, and so well knowen. why? Then might she as wel haue aduentured the subscribinge of her name, as the writyng of the letter with her owne knowen hand. But had it, trow we, any superscription? Truely to say, it had none neither. How know you then, that it was written to the Earle Bothwel, and not as wel to any other man? The messenger (you wil say) knew wel inough, to whom he should deliuer it. That may be, but how knowe you? Haue you at any time spoke with him, that was the bearer thereof to the Earle? It is wel knowen, ye neither haue, nor could: syns ther was neuer any suche messenger, nor euer any such letter sent by her or receyued by him, as shall here-

hereafter plainely inough appeare. But this letter, I doubt not, conteining such secrets, was fast and cunningly sealed. In good sooth, men say that haue seene it, there is no shewe, that euer it was sealed, or fast closed. A foule ouersight truely. You may see, the olde saying is true, that often tymes haste maketh waste. But what good lucke had you, so luckely to light on this letter, so long after: syns there is special request made therin to the receiuer, presently to burne it, after he had read it? Wel, let vs consider yet a litle better of this dealing, and conferre the times: perhappe we may thereby finde some more light in the matter.

This letter (you say) was taken vpon Dugglish emong other letters sent in a box from

Sir

Sir James Balfoure the Captaine of Edenborough Castle. when? Forsoth after you had taken armes against the Queene and Bothwel, & driuen them both to flee. But who can beleue you herein? Is ther (I pray you) any probabilitie or likelyhod, that either the Erle would sende to the said Sir James, who assisted ẏ factiõ against the Quene with the strẽgth & force of Edenborough Castle, & had driuen frõ thẽce the very Earle him self? Or is it likely, that the sayd Sir James would for goodwil seke to cõuey any such thing to the Earle, whose open enemie he was? Is this likely? Is it credible? May, would he not rather haue kept it for euidence ageynst the Queene and the sayd Erle Bothwel for some colour & excuse of ẏ vnnatu-

rall

ſiful reuolte made by himſelfe, & the reſt of you againſt her highnes, being his & your lawful & naturall Soueraign? May it not once againe be ſaid wel & truely to ỹ ſonneter in of this falſe dic?

Non ſat cõmodè Diuiſa ſunt temporibus tibi, Daue, hæc.

Can any wiſe man thinke it likely, that the Queene hauing alwaies ſhewed herſelf ſo modeſt, ſo circumſpecte and wiſe, wold write any ſuch letter with her owne hande, as might by any poſſibilitie be prõnced againſt her in ſuch euident ſort to touch her honour? Or if ſhee had ben ſo void of grace, of her wõted womãly chaſtitie, & of al regard to her honour, as ſhe could haue condeſcended to write any ſuch letter, was ſhe ſo ſodeinly becom ſo ſimple of wit & he alſo, ỹ both thei wold haue

ſuffered that letter to remaine extãt to the perill of them both, namely ſince the Earle was (you ſay) expreſſely required in the ſame, foorthwith to burne it? But yet it is her letter, you ſay. How proue you it? Or is your credit ſuch that you think men muſt needes beleue it, becauſe you ſay it? The Ciuil Law, by which your Coũtrey is gouerned, ſaith: Sciãt cũcti accuſatores &c. In Engliſh thus.

L. fin. C. de probat.

Let al accuſers know, that they muſt bring to publik notice only ſuch thing, as is cõfirmed by apte, lauful and ſufficiẽt witneſſes, or layd foorth with open documents and demonſtration, or plainly vnfolded by vndoubtful prouffes as cleare as the day light.

This rule in the triall of criminal cauſes is to be obſerued toward

toward the poorest & most ab-
iect person that liueth. Let vs
see then, whether you haue ob-
serued it toward your Sone-
raigne. You produce to defame
her, a letter, which you say she
wrote with her owne hand to ỹ
Erle Bothwel: which letter yet
beareth no date, no subscriptiõ,
no superscription, no seale, no
one word in it of cõmandmẽt to
cõmit the vile murder or any o-
ther cruel fact, or importing any
liking, or somuch as knowlege
of any such fact before don. But
you say, it hath in it these suspi-
cious wordes: our affaiers. As
though the Queene had no af-
faiers to imploie her faithful &
foretried subect but in the mur-
dring of her husbãd, which you
gheese she mẽt by those wordes.
O impudẽt & vnkind subiects,
that be not ashamed, if she had

writtē any ſuch thing, to mea-
ſure & conſtrue the meaning of
your moſte vertuous Soue-
raigne, by the vitious cōcepts
that poſſeſſe your owne vnna-
turall and diſhoneſt mindes!
But who was the bearer of
this letter? Of like, the man in
ỹ mone. For he that you would
needes face to be the bearer,
toke God and his conſcience
to recorde at his death, that it
was vtterly vntrue. So doth ỹ
Queene her ſelf, proteſting vpō
her honour and faith, that ſhe
neuer wrote that letter. So did
her Highnes Commiſſioners
at Yorke, openly producing, for
proufe that it was forged, two
other letters written in her
name with her hand notably
counterfaited by one emong
you, whom for ſome reſpects I
wil forbeare to name.

There

There is recorded by Valerius Maximus, of a noble Roman, whose name was M. Æmilius Scaurus, a man of greate credit, and seruice in the commō weith, that was accused by one Varius a vile person of no credit or accōpt: to whose accusation the Noble man would vouchsafe no other answer but thus: He saith it: I denie it. Upon which onely answer, the people of Rome, being present, did not onely with one voice presently acquit ꝑ noblemā: but forthwith theirsel vpō ꝑ accuser, & forced him out of ꝑ place, not without some daunger of his life. Suche was the credit of that Nobleman, and such the Noble consideration of that graue and wel aduised people: ꝑ his only denial weied downe all that the other had craftily Lib. 1. cap. 7. de fiducia sui.

forged, & was esteemed for sufficient matter both to acquit ye accused, & to condemne the accuser. The like with as good reason might have ben don in this case, vpō the only denial of this moste noble Queene & renowned Ladie. But thus muche I thought not amisse to sette doune in answer of this point of the supposed letter, for the ful satisfying of the curious.

2. Now to the answere of the second Obiection touching the pretensed mariage of the Earle Bothwel, it might be wondered, with what face they themselues, that were the earnest solicitours and procurers of the Queene therunto, could haue ye boldenes now to charge her Highnes therewith, if so many their other doinges had not shewed them to be past al shame & grace,

& grace. But for the cleare open-
ning of that drift, it is to be
knowen & deepely considered,
that the Earle Murrey, having
as it may seeme, sucked a trai-
terous minde euen with the
milke of his lewde mother,
prefixing to him selfe, that no-
thing could better serue to the
aduancement of his traiterous
designements, then to bring
the Queene into slaunder and
obloquie of the world, & ther-by
to alienate from her the minds
of her frindes and subiectes:
found now, that the next parte
he had to plaie, was to worke,
if he could by any policie, suche
a fetche, as the Queene might
be brought ignorantly to match
herselfe in mariage with one of
the murtherers. He therefore
layed al his irons in the fyre,
& leaft no stone vnremoued, or

way vnattempted, to perſuade her bothe by earneſt letters, (which her Highnes hath yet to ſhewe ſigned with his owne hand, and with the handes of diuers Noble men, and others his Confederats) as alſo with diligent and daily ſolicitations otherwiſe (namely by one of their conſpiracie then placed about her for that purpoſe) to take to huſband the ſaid Earle Bothwel, whom (to remoue al ſcruple they the Conſpirators them ſelues had acquitted by their verdict, of the murder, whereof he was ſomewhat ſuſpected: hauing alſo prepared an open way to that part of the Tragedie, by procuring a diuorce alitle before, at the ſute of ỹ olde Coũteſſe of Huntley, betweene the ſaid Earle Bothwel and his wife her daughter, for that

that they were so nere of kinne, as with conscience (forsoth) thei might not continue together. Pretending farther vnto the Queene, that bysides ꝑ diuorce before lawfully passed (as they said) God had also taken the said Ladie Bothwel to his mercie, so as to apparence there remained no impediment, but that her Highnes might marie him. And so they earnestly aduised and praied her Grace to doe, as the onely manne, that for his Nobilitie, wisedome, valiantnesse, and many other vertues, they all iudged the fittest husbande in the Realme for her Highnesse, & most likely by his wisedome to staie the troubles, ꝑ were like to growe by ꝑ diuers factions, that were emõg ꝑ noble men: who would sooner be appeased, and commit

their differents to be compoſ-
ded by him, then by any ſtran-
ger, whoſe rule they ſhould
perhappes not be very apt ſo
willingly to brooke.

The Queene ſeing this their
earneſt ſute, with their moſte
faithfull promiſes (as they ſee-
med) of willing ſeruice & moſt
aſſured loialtie to the vttermoſt
of their power, in caſe ſhee
would take the ſaid Erle Both
wel to her huſband, myngled
alſo with ſome threats, if ſhee
ſhould refuſe ſo to do: withal
calling to her mind the ſodeine
and diuers vprores and ſedi-
tions allready made ageynſt
her, the cruel murder of her
Secretarie in her owne pre-
ſence, the late ſtrange and moſt
lamentable murder of her huſ-
band, the diſcumfoꝛte, diſtreſſe
and deſolate eſtate wherein ſhe
pre-

preſently ſtode, the Earles acti-
uitie in martial affaiers, the
good & faithful ſeruice done by
him to her mother and her ſelf:
fearing alſo ſome new ſturre
& unmunét trouble, if ſhe ſhould
denie and refuſe this ſo earneſt
ſute made vnto her by her No-
bilitie (though ſhe wer always
before that time very wiſe, cir-
cumſpect & prudent in al other
her doinges: yet being a womā
circumuented by ſo many craf-
tie heads, & toſſed with diuers
cogitations, neuer being opēly
or priuately ſo muche as once
admoniſhed, that he was in
trouth guiltie of the murder
(which ſeing and hearing, as
ſhee ſawe and heard, ſhe found
no manner cauſe to ſuſpect) and
being in the myddes of theſe
carefull thoughts, was met one
day, as ſhe was ryding vpon
the

the way toward Lyncliften, by the ſaid Earle armed & accompanied with men of warre, & by him taken from her companie, & perforce caried to Dunbarre Caſtle, where what with faire meanes, and what with ſetting before her eyes many vnmunēt dāgers, if ſhe refuſed, & being deſtitute of al cōſell or aduiſe, & of all preſence & acceſſe of any of her faithful ſeruāts or frinds, at ỳ laſt ſhe aſſented (at ỳ ſute made by himſelf, & ſo many other of the Nobilitie) to that pretenſed mariage. The conſummation wherof, the Confederates had not ſo ſone cōpaſſed, but forthwith they proceeded to the nert Act of their Tragedie, geuing out bruits into al Countries, ỳ ſhe had cauſed her huſbād to be murthered, & maried ỳ murderer, which for ỳ it

ſtood

stood not (forsoth) with their ho
nour to indure, they presently
toke armes, & ensones rebelled
against their said Soueraigne,
blinding & bewitching ỹ world
for ỹ time, with the probabilitie
of their assertiõ much increased
by that her pretensed mariage:
wherof themselues were only ỹ
procurers, as before they had
bene of the murthering of her
Secretarie and her husband.

Thus do you see, how this
good Lady hath ben handled, &
how easie a matter it is for a
nũber of subtill & crafty heads,
to ouertake & deceiue a good,
milde & wel meaning Lady de-
stitute of coũsel. For her faithful
coũsellers seeing the number &
puissance of ỹ cõtrary faction so
great, & by Knoxes pulpit a-
armes daily so increase, taking
a fair warning by ỹ secretaries

end,

end, durſt not once quitche, or
geue vnto her Grace ſuch ſound
aduiſe, as their duties required
But hereof inough. Let the Cõ
ſpirators make now what thei
can of the pretenſed mariage:
the more they talke therof, the
more they do manifeſt to the
world their owne moſt ſhame-
leſſe impudencie, in turning
now to an argument of ſuſpi-
cion againſt the Queene, that
which them ſelues ſo buſily
contriued, and vnnaturally ex-
ecuted. whereof their owne
letters, handes, and ſeales re-
maine witneſſes voide of all
ſuſpicion.

Thus haning anſwered theſe
two their chief & principal Ob-
iectiõs, to wit, of the letter & of
ỹ pretenſed mariage: I wil lay
forth before you certeine cleare
proufes and notorious teſti-
monies

monies of her innocencie of that case of the murder.

First vnderstand you, that a seruãt of the Earle Bothwel being executed for the murder, confessed in the hearing of fiue thousand people and mo, that Murrey and his Complices were the principal counsailers and assisters with his master in that murder, and that so his master had tolde him: and confessed also to haue sene the Indentures, wherein the Conspirators had bound them selues eche to other, to make away the Lorde Darley vpon the first opportunitie that might be offered.

Also Iohn Hay of Tallowe, Bourie, Dugglish and Paris being al put to death, for that they were the executioners of that murder, did al and euery

of them ſeuerally at their death, protеſt vpon their conſciences, as they hoped to be ſaued at the latter daie, that not onely the Queenes highnes was vtterly innocent and vnwitting of the Lord Darleys death, but that the ſame was cõmitted chiefly by the counſel, inuention, and drift of the Earle Murrey, and ſome others, whoſe names I ſpare for iuſt reſpectes.

2. Secondly, the Lord Harris, a ſtout, graue, & faithful Noble man (who was at the firſt made priuy to the deuiſe, & after vpon good cauſes to long to be reherſed in this letter) withdrew himſelf from any farther action or dealing in the matter, tolde an Earle yet liuing, to his face euen at the Earles owne table, nulla circuitione vſus, that the ſaide Earle was of counſell to the

the murder of the Lorde Darley.

And afterward at Yorke did the like openly in presence of the English Commissioners, to the face of Murrey, and of the other (whose name I will forbeare to expresse, in hope of his repentance) and there protested, that he well knewe, the Queene to be vtterly giltles and innocente of the matter, nobly demaunding the combat of them both in that quarrel.

Thirdly, when the Conspiratores hauing nowe laid and raised so farforth the foundation of their building, that they thought the worlde blinded with the mistes they had cast, would iudge they had reason in their doings: then proceded they to open rebellion, taking

taking armes, and assembling people against their Queene, whome they falsely charged with diuers crimes without care of their conscience, allegeance, the offense of God or regarde to any other honest or ductiful respect, being carried hedlong with a furious desire only to that end, whereto their restlesse ambitious heads had so longe before bended their Macheuelian practises.

The Queene seeing this, assembled likewise a strong armie of her faithful subiects, to represse these Rebels. whereupō thei perceiuing her Highnes to draw fast toward them, sent to her from Edenborough (where by the fauour of Sir James Balfore the Castellan they had assembled them selues and their power) a Noble

man

mā yet lyuing, who in ꝑ names of al the lords and other confederats, did most humbly vpon his knees assure her Highnes of the securitie of her person, of the safetie both of her life and honour, and of al loialtie and obedience at their hands, if it would please her Grace, to forbeare force, & to come peaceably into the towne of Edenbrough, & ioyne with them in searching out & pūnishing the murder of the Lord Darley her late husband: the reuēge whereof (they sayed) was the only cause of their assembly, and that in so doing her Highnes should finde them al there as ready to serue her to the shedding of their blood, as any in her owne armie there present.

The good Queene hearing this their humble suit, and thin-

king

king them to haue meant as plainly and honourably as she did, loth (if it might be auoided) to see such effusion of the blood of her subiectes, as was like otherwise to follow, and being armed with the secure testimonie of a guiltlesse conscience, hauing therewithall a minde no lesse desirouse in deede to see the horrible murder of her late moste deare husbande boulted out, and duely punnished, as so heinouse a crime deserued, then they in wordes pretended to haue, carrying with her the innocency of her owne cõscience, yeelded ouer soone to this their fraudulent suite: and so leauing her power, made repaire into the Towne of Edenborough, where when shee was arriued, expecting to haue bene in solemne and dutifull sort receiued

by

by the Lordes according to the laide Noble mannes woordes and pretenſed promiſes made in all their names, her Highneſſe to her greate amaſinge, founde all contrary. For her aduerſaries proudlye remaining in her Graces Palace, (whereof they hadde poſſeſſed themſelues) ſeeing nowe the praie in their handes, which they had ſo long hunted after, and whereon they intended to feede their bloudy and ambitiouſe mindes, were ſo farre from dooing that whiche they had promiſed, and ſhe expected, that they cauſed her to alighe at a marchantes houſe, ſ there rudely and homely vſing her Grace al that daie, ſ nexte nighe made her priuily and ſpedely to be cõueied in diſguiſed apparel to ſ ſtrõg Caſtel of Loghleuen:

where

where, within a few daies she was dispoiled of her Princely ornaments, and clothed with a course broune cassocke. And though the good Lady ful often remembred vnto them their faithful promises, & made most pitiful & earnest intercessiō, that shee might be brought before the Counsel, to haue her cause iustly examined: yet for al this could finde no maner fauour or iustice at their handes.

The said Earle Surrey then hauing brought his reckenings to this passe, presently without shame or farther cunctation, boldely vsurped and intruded himselfe into the gouernement of the Realme, for the which his ambitious and traiterous mind had so long and so greedily thirsted.

The Queene seeing then

thin-

thinges, and being therewith not a litle astonied, repented, though to late, her so quiet relenting to their sute, and ouer-quicke crediting their feyned humble promises: when shee was in case wel enough by force to haue suppressed them. But this her doing gaue yet a moste cleare and notorious testimonie to the worlde of her innocent conscience, tender care of her subiects liues, and a plaine honourable mynd farre from crafte, and muche farther from such bloodby and cruel malice, as could geue consent to the murder of her husband, whome shee so dearely loued.

This her guiltlesse innocencie was yet more notoriously testified, when her Sighnes being by the mercifull prouidence

dence & mighty hand of God
deliuered out of the strong Ca-
stel of Loghleuen, enuiron-
with a brode large water, fur-
nished with great garde an
nübersof souldiers, & where
the Lorde of the Castel himself,
being Murreys halfe brother,
did euery night kepe the keies
wbē, I say, she being thus mi-
raculously deliuered & offered b
diuers her owne subiects, to b
trustely cōueied into their qua
ters, wher they would warran
her Grace safely to remain & a
libertie to haue gone freely t
any forreyne Prince, at whos
hands she might well hope fo
ayde in her iust cause, ageyn
her vnnatural subiects, namel
in France, where, while sh
was Queene, shee had by he
many vertues gayned grea
loue and estimation, and whe
th

the worthie Cardinall of Lorraine, and the reast of her Noble Vncles, bare vnder the yong King and his mother the chiefe swey in the gouernment of the Realme: did yet for the more notorious clearyng of her selfe, and notifiyng of her innocencie to the world, chuse voluntarily, to make her repaire into England, where shee knewe were the Earle of Lineux, and the Noble Princesse the Ladie Margarete, her late husbandes father and mother, who (she trusted) would not see the blood of their deare sonne vnreuenged: where also shee knewe were a worthie sorte of Noble menne, who woulde by all likelyhood afoord their traueile in the indifferente examination of the cause, and thereuppon finding

out the truth, would doe iuſtice to the guiltie for the murder of their Noble countriemans, and ſee the innocent both preſerued and reuenged. How could her Highnes geue a more notable teſtimony of her innocency and moſt guiltleſſe conſcience?

4. Fourthly, ſee how wonderfully God proſpered this her moſt noble and honeſt intent. For the Cõmiſſioners of England aſſigned and aſſembled at Yorke for the examination of that cauſe, who beeing before ſore incenſed againſt ỹ Queene by the craftie & malitious practiſes of her aduerſaries, brought with them ſo ſmall affection to her part, and had deuiſed and appointed the plat of their proceeding ſo litle to her aduantage, that Iames the Regent, and the reſt, that were aduerſe

parties

parties against her ( who had not at al come out of Scotland to charge and accuse her, but vpon the assured hope and promise made vnto them by the English authoritie ) should be first heard, and al their accusations at their desired length, opened & declared, before any of ꝑ Cõmissioners of ꝑ Queene of Scotlãds part shuld be heard, or suffred to answere any point or article of their accusatiõs, vntil ꝑ same were fully & wholy giuẽ in all at lẽgth against her. Which accusations and presumptions that they the partie rebels minded to exhibit, beeing supposed to be matter sufficiẽt to occupie the Commissioners some daies, and to spende so much time, as might geue vnto the world a shewe and pretence of an indifferent proceeding, it

was then farther promiſed vn-
to them, and agreed betwene
the Engliſh Gouernours and
the Scottiſh Rebels, that their
accuſations being once heard,
and enrolled, and a ſhort word
or two ſuffred to be ſpoken for
a ſhew by the Queene of Scot-
lands Cõmiſſioners, that then
the Engliſhe Commiſſioners
ſhould make ſome quarel, and
feine ſome cauſe to ariſe, to
breake of, & to make an ende of
al that Colloquie & Cõmiſſion.
Which horrible confederacie of
partial proceding notwithſtan-
ding, the ſaid Engliſh Cõmiſſi-
oners were yet ſo moued with
that which fell out before them
for manifeſt proof of ỹ Quenes
innocencie, & of the depe malice
of her accuſers (ſo far frõ their
cõceiued opiniõ & expectatiõs)
that their former wrõg cõcepts
grow-

grounded vpon ỹ falſe enuious & other miſchieuous practiſes of her aduerſaries, beganne generally to ceaſe ſo farforth as they became to pitie her caſe, & made earneſt requeſt, ỹ ſhee might be reſtored to her Croune. And certaine Noble men (you know whome I may meane) hauing before ſpoken very broade and largely againſt her Highneſſe, did then cleane alter the courſe of their talke, beeing ſorie for that, which they vppon to light credit had ſaid before. Alſo the principal of the very Commiſſioners themſelues, to witte, the Noble Duke of Norfolke a right high and excellent Prince, the chief Peere of the Realme of England, conceiued ſo great liking of her Graces innocencie & vertue, which ſel out apparãt by that whiche was there vt-

tered in the course of the matter debated before his excellencie, and the rest of the Commissioners, that vppon his repoꝛte made thereof to the State and Counsell of Englande: and by the motion and aduise of sundry of the Counsell and Nobilitie, he beganne to bethinke himself of matching with her in mariage: and vpon good consideration of her wel proued honoꝛ & innocencie, desired at length nothing moꝛe, then that his hap might be so good, to match in mariage with so vertuouse a Ladie. And shoꝛtly after, loue farther kindling and increasing in his noble mind toward her, not blinded with affection to her beautie, whom to this houre hee neuer sawe, but inflamed with the iust loue and liking of her singular vertues, which he sawe

ſawe there ſufficiently teſtified: he became by meanes, not only a ſuter for himſelfe, but diuerſe others alſo of the chief Nobilitie of England, ſeing how honorable and conuenient to the parties themſelues, and profitable to bothe Realmes (ſtanding in termes as they doe) that matche were like to proue, became alſo in his Graces behalfe humble ſuters vnto her Highnes. whiche coulde not haue hapned, if vpon the examination and hearing of the cauſe, there had fallen out any ſuſpect or probabilitie of truth, in the vile matters and obiections ſurmiſed againſt her by her aduerſaries. For it is nothing likely, that his Grace abounding, as he doth, in wiſedome, wealth, power, general loue of his countriemen, and in

manet with all other worldly felicitie, would seeke to matche in mariage with one, that had iustly remained in any suspicio of hauing murdered her former husband.

Thus doth the wonderful goodnes of God daily appeare toward the innocent wronged and oppressed, that humbly resigne themselues & their cause into his hands. For how could any man almost wish or deuise more manifest & notable things to happen for the notorious discouerie and testimonie of the Queenes innocencie in the fact wherwith she hath bene by her ambitious & ingratful enemies so slaunderously charged, then these, which haue since hapned?

But nowe, sith we see her Highnes so fully cleared, it shal not be amisse, to note, what ve-

hemen

hemēt presumptions, nay what open prouffes and cleare argumentes haue on the other side fallen out in the course & handling of these matters, against the accusers, to conuince euen themselues of guilt, in conspiring, procuring & compassing that cruel murder, wherof they thought to auert the suspicion from themselues, by laying the same to the charge of the innocent Queene.

Certain vehemēt presumptions with most cleare and euident proufs, that th'accusers of the Queene, namely the Earle of Murrey and certein other of the chief of his Confederats, were the deuisers, procurers, and some of them the very executioners of the murder of the Lord Darley.

## CAPVT. 5.

As the Earle of Surrey & his complices, could neuer to this daie by any threat, promisse of pardon, fauour and reward, or other practises (whereof it is knowen he vsed many) procure any one, not so muche as a condemned person, directly to charge or accuse ỳ Queene of consenting, or so muche as any foreknowledge of ỳ murder: so without any such practice, God hath of his iustice so appointed, that diuerse persons at sundry times & places haue voluntarily and of their owne knowledge constantly charged the Erle Surrey and other his confederates therwith.

But before I come to that poinct, I will reduce to you in some

some order, diuers other things that went before: which when you haue redde, and aduisedly considered the same, you shall (I doubt not) easily be induced to thinke, that those direct testimonies succeeding against Surrey and the rest of his confederats, were like inough to be true, & so are in dede founde to be, and daily more and more confirmed by Time the mother of Truth. It shal not be impertinent therfore in this place somewhat to note the causes, that moued the Earle of Surrey to seeke and procure ỹ death of the Lord Darley.

The first and original cause was the greate and exceeding ambition, which appered wholy to possesse the lewd minde of the said Surrey, aspiring greedily to the Crowne & gouerne-

ment

inent of that Realme: of which his inordinate ambition if any man doubt, let him first know, that he was so far blinded therwith, that he was not ashamed to make open and direct suite to the Queene in the time of her first widowhood, to intaile the Croune of Scotlande to him, (though he were illegitimate and uncapeable therof) & to the blood & name of the Stewards, disuading her in all he might, from all maner of mariage. Which things are wel knowen to most of the Nobilitie of that Realme. But when he saw that deuise would not take place, for that the Queene being yong, & hauing no childe, desirouse (as was both natural & dutiful for the quiet of the Realm) to leaue an heire of her owne bodie to reigne after her, if so it should

please

pleaſe God, was determined to matche herſelf in mariage with the ſaied Lord Darley, beeing a goodly yong Prince, deſcended (as her ſelfe alſo was) of the Royall blood of the aunciente Kings bothe of Englande and Scotland, and next after herſelf & his mother, the next Heire in apparance to the Crowne of England: Murrey ſeeing this matche to fall out very ill for his purpoſe, and the woorſe, becauſe ſuch a yong and beautifull couple, were not like to be long without children, he firſte determined and practiſed to haue killed both the ſaid Lorde Darley and his Father, and to haue impriſoned the Queene in Lochleuen, and himſelfe to vſurpe the regiment of the Realme, as ſynce hee did.

But the mariage being solẽnised, before he could conueniently execute that his diuelish intente, and the same (as God would haue it) being disclosed: so greate was his malice and ambition, that not being able any longer to contein or dissemble the same, he then brake forth into open rebellió, shewing him selfe with his cõplices in armes agenst the Quene his Soueraigne & his most louing & bountiful sister, by whose liberalitie he might dispend well xxvj. thousand pounds by yere after the rate of their mony, and next vnto herselfe ruled & commaunded the whole Realme.

And to winne the moo to his faction, tooke holde and occasion of the reuocacion shee had made of the Actes and Alienations (of thinges pertening to

the

of Croune) made in her minoritie (which al princes of Scotland may iustly doe, when, or before they come to the age of fiue and twentie yeares) pretending that she meant to plucke from euery man al the possessions of the Church and Croune that he and the rest of the Nobilitie hadde gotten into their handes: whiche amounted to more then two partes of three, of the reuennes of the whole Churche and Croune of Scotland.

But his forces beeing by her highnes loyal subiects sone broken, he fled into England, wher while he remained, he busily solicited and earnestly sued for aide against his Soueraigne.

Yet during the time of his remaining there, twoo things did he finely compasse: the one

was

was his owne pardonne at the Quenes hands by the intreatie of suche frends as he found in England, ẏ other the murder of Dauid the Quenes Secretarie, wherof by his letters he gaue a plat to certaine of ẏ cõfederats yet liuing, & so earnestly solicited ẏ same, that it was executed in such horrible sort, as ẏ world knoweth, in ẏ Queenes owne presence, at what time shee being great with child, labouring all shee coulde by intreatie, to saue his life, had a charged pistolet bent against her, and was threatened, it shoulde be presently shotte of at her, if shee wouldе not quiet her selfe. Whiche barbarouse facte vsed towards her, in the case shee was in, gaue vnto Murrey a speciall hope, that either shee, or her childe, or both, by that

ſodaine fright and feare ſhould periſh and miſcarie.

This Secretare beeing thus diſpatched, whoſe wiſedome and fidelitie, was no ſmall lette to their deſ[illegible] mentes, Murrey the [illegible]eye next daie euen at his ene (as they ſaie) for aſſiſting of his Confederates if neede were, entered into Scotlande, and preſented him ſelfe with as ſmoothe a countenance in the Queenes preſence (of whome hee was graciouſely pardoned) as though he hadde neither benne of counſell of that freſhe ſlaughter of the Secretarie, nor of any other traiterouſe attempies againſt her Highneſſe (ſuche was her noble, curteouſe and mercifull nature) kindely welcommed and louingly receiued him againe, freely

freely remitting all that was past.

Which when the Lord Darley saw, he much misliked, and repined therat, fearing that he would be (as afterwarde he was in dede) revenged vppon him: because he finding by the danger, which both the Quene and him selfe stood in at the furiouse murder of Dauid, that there was a farther fetch in the matter, then the bringing of the Crowne and gouernement to him (which in secrete conference & practice with him, was their pretense) did not onely forthwith reconcile himselfe to the Quene, but disclosed to her Highnesse, all the confederats in that conspiracie, wherof he confessed the said Murrey to be the head and principal.

Therefore doubting, that when

when Murrey shoulde heare of this, he would also seeke vpon his person a bluddy reuenge, as he had trained him in blood before: he determined, to preuent the said Earle, and to kil him first. which his determination he opened to the Queene, and though earnestly shee dissuaded him from it: yet through feruent feare of his owne life, and want of experience, vndiscretely disclosed it to so many, that it came at the last to Murreys eares.

But he hauing a much more craftie head, then ỳ yong Lord Darley had, dissembling that he had any intelligence hereof, began then to hasten as muche as he could, the dispatche of the said Lord Darley, whereof he had before laied the plat with his confederates, but chiefely with

with ye Earle Bothwel, whom at his departure from the court towarde Fraunce (for the subtil for to abuse the worlde would him selfe be out of the Realme when his deuises shoulde be executed) he had put in trust as his singular and moste especial and secrete friende, with the whole order of that affaire, promising him (in rewarde of his paines to be taken in the dispatche of the Lorde Darley) his counsell and furtherance in all he coulde, to marie with the Queene: wherein the craftie Fore foresawe and intended, as hath synce appeared, the distruction both of the Queene and him, and thereby an open way for himselfe to attaine the goale of the regiment of that Realme, which synce he hath vsurped.

Dem

Here you see a concurrence of two causes that mooued Murrey, to contriue the murder of the Lord Darley. First, an ambitious hope, by taking him away, to atteine with muche more ease, the Crowne, which was the marke he shot at: the other, a feare that he had to be himselfe murdered by the said Lord Darley, if he did not find some meane to preuent him.

Now remaineth it to be proued, that as Murrey was mooued by these apparant causes, to procure this murder: so in dede he was the procurer of the same.

For proufe wherof: first it is to be knowen, that he to auoid from himself the open suspicion & slaunder therof, departing frō the Courte about .vj. houres before the murder committed,

said

caied to the Lord Harris: This night, eare morning, the Lorde Darley shall lose his life. which woordes the said Lord Harris, being of suche honour and credit, as is well knowen, did at sundry times, auow openly to the Earle Murreys face, and is yet liuing ready to auow the same.

2. Secondly, Murrey before his departure out of Scotland for France, had contriued, ỳ his factiõ shuld in his absense procure the acquital of Bothwel, & after to marie with the innocẽt Queene. And diuers of the faction had by their owne hande writing bounde them selues to obey and assist Bothwel against any that shoulde prosecute him for the murder committed.

3. Thirdly, the said Murrey by his cruell sute obteined the re-

curs

tume of some of his principall confederates, then banished into England for the slaughter of the Secretarie: without whose assistence, for their greate courage and witte to execute, his practises went but lamely forward.

Fourthly, it is wel knowen, that the said Murrey, and other the confederates, had many secret meetings at the Castell of Cragmiller, about the contriving and compassing of the said murder: at whiche place the same was fully concluded, as hath ben since confessed.

Fiftly, the said Earle Murrey, nor any of the rest, would not geue to the Quene any admonition or knowledge, that ỳ Earle Bothwell was any doer in the death of her husband, til by the great sute, singuler commenda-

mendation of the saied Earle Bothwel, & other mischieuous practises mingled with pretensed humilitie and with couert terrour, they had persuaded and procured her Highnes to marie him.

Then, when it was for her to late, and for them inmpe in the micke, they sodeinly with open mouth blased abrode and published, that the Earle Bothwel (forsooth) with whom the Queene had maried, was the principal murtherer of the Lord Darley, whose death it came now sodeinly vpon them, and much touched their honour (as they said) to see reuenged. And therevpon presently brake they sooth againe into armes against their Queene, whom when by feined submission and false promises (as hath been shewed

shewed before) they had fraudulently gotten into their handes, and vnnaturally cast into prison in Lochleuen (where the sewed mother and bastard brother of the said Murrey were dwelling): they litle then cared for pursuing or hurting the Earle Bothwell. For they permitted him to remaine there quietly in the Countrey certaine monethes after, and to passe safely whither he would, according to their former promisse made vnto him in their names by a Noble manne yet liuing: who, when he was sent from Edenborough to the Queenes Campe, to persuade her Maiestie, to laye armes aparte, and peaceably to enter Edenborough, as is before remembred, tooke the Earle Bothwell by the hande.

and drawing him aside, aduiſed him, to departe for a time, faithfully promiſing him, that noman ſhould purſue or folow him.

6. Sixtly, Jhon Hepborne the Earle Bothwelles man (who with certaine others that had in deede bene preſente at the murder, was executed, for a face of iuſtice, and to remoue ſuſpicion from the principals) ſaid and conſtantly affirmed at his death in the preſence of fiue thouſand perſons and mo, that (as he ſhould anſwere before God) the Earle Murrey, and certeine others, whom he then and there named, were the principals and chiefe procurers of the ſaid murder, and that ſo the Earle Bothwell his Maiſter had often told him in ſecret. The ſame in effect was affir-

med

med by Jhon Day of Tallow, Powrie, Dugglish and Parris at the time of their deathes, as hath bene shewed before.

Lastly, there was a solemne Indenture Decoppute made and passed, betweene the said Earle Murrey and the reast of the Conspirators, of mutuall covenant and promisse vppon their faith and honour, vnisonnely to proceede in their said cõfederacie: that which of them soeuer should first cumpasse opportunitie, should kill the said Lord Darley, and in al euents touching thesame should iointly assist and defend eche other. Of which Indenture one part signed & sealed with the handes and seales of the Earle Murrey and the reast of the Conspirators, hath sincẽ come to the Queenes handes, and was 7.

shewed to the English Commissioners.

Now see how wonderfully God hath wrought herein. If suche vehement presumptions as are before remembred, could be slightly past ouer, as things that rather make likely, then clerely proue true ẏ which is gathered therof: yet is it not to be mistrusted, but so many witnesses directly accusinge Murrey & his complices, at the houre of their death, Murreys foretelling the night when the Lord Darley shoulde be killed, the flatte and weightie testimonie of the Noble Lord Harris yet liuing, and lastly the Indenture of that traiterous conspiracie, signed and sealed with the knowen hand and seale of the Lord Murrey and his Confederates, will fully satisfie al

mer

men ỳ haue their commō sense, and geue them matter inough discretly to see, who were the procurers of that horrible murder, whereof the guiltie malefactours haue so vnnaturally slandered their good and guiltlesse Queene.

I coulde here touche diuerse points by the way, to witte, the inualiditie of the Accusers for the iust and lawful exceptions, that the Queene mighte take against euery of them by the Law, which geueth to the simplest defendant that may be, the benefit and aduantage of lawful exceptions, not only against the accuser, but against the witnesse & Iudge. Al which three parts, that is to saie, to be accusers, witnesses, and Iudges also, they them selues haue taken vppon them in this Tragedie.

C. Qui accusat non po l Iniquū Et L. fin. L. Qui accusat. ff. de accusat.

And farther, if the Queene had bene guiltie, as shee was not: yet ought she not by them to haue bene deposed, no more then Dauid was, when he had committed bothe murder and adulterie, or numbers of other Kinges and Princes in the like cases.

Further, that subiects ought not for any cause, of their owne priuate authoritie, to lay violent handes on their annointed Prince. That their maner of proceeding hauing bene altogether vnhoneſt, and contrarie to the lawe of God and man, hath made their doing euil, vniuſt and impious, Quia forma dat eſſe rei: with diuers other ſuch matters, which of purpoſe I omitte, as not neceſſarie in this caſe, where the principall is ſo fully anſweared, as the

Queene

Queene or her frindes neede not to flee to the aduantage of thoſe helpes.

Praiſed be God, ꝑ truth hath peelded ſuch abundant & notorious prouffes of her innocencie, & their guilt, that her Highnes may, hath from the begynning, & yet doth offer to ſtande and ioine iſſue with her accuſers, vpon the principal point by them moſt falſly and impudently laid to her charge.

A Capitulation of the Actes and partes of this Tragedie hitherto, without producing al the Actors, diuers of whoſe names are for good reſpectes to be ſuppreſſed.

CAP. 4

THis Lord James, baſtard brother to ꝑ Queene of Scotland, & by her natural goodnes

named to the Earledome of Surrey, to possessions & liuelyhod of six and twentie thousand pounds by the yeare, to the whole gouernement and rule of the Realme next to her selfe (as hath bene shewed before) being yet pricked forward with an vngrate and ambitious minde, with the lewed inclination he drew by kinde out of his vnchast mother, and by the instigation of the Diuell, that would not suffer him to go on in the Ecclesiastical and religious life, wherein he was once entred, and in some degrees professed, determined by one meane or other, to make him selfe King of that Realme.

Toward the bringing of which his designment to effect, he first practised, to stay the Queene from mariage, and to entaile

entaile the Crowne to him & to the name of the Stewardes. which deuise not succeeding to his fansie, he determined, to interrupt her mariage with the Lord Darley (whereof he saw her resolued) by procuring the murder both of him & the Earle of Lineux his father. But God preserning them, the mariage was solennized & consummate.

Then, seeing no waye so likely to aduaunce the desired successe of his wicked enterprise, as to deuise some meane, to breede debate and misliking betweene the Queene and her husband: he practised, to put into the head of the said Lord Darley a greate desire which he and others of the Nobilitie hadde, to see the Crowne sette on his headde, for that they wisshed (said he) rather

to be gouerned by a man, then altogether by a woman, declaring vnto him, that many of them did meruaile, that there appeared in her so litle regard to his Lordship, as hauing worthely made him her husband, shee would yet so vnworthely suffer him to remaine in place of a subiect: or so litle magnanimitie in him, that giuing all other waies sufficient shew and testimonie of a noble courage, he could so meekely beare that dishonour, wherof yet he could not muche impute the fault to the Queene (who seemed in her very louing vse towards him otherwayes, to reuerence and regarde the Nobilitie of his Roial blood and excellent guifts of nature worthy in dede of any Monarchie) as to the enuious & spitefull secret working and per-

perſuaſion of Dauid her Secretarie, a craftie fellow, and as Surrey ſaid, neither frind to his Lordſhip, nor to any of the Nobilitie.

The yong Prince hearing this, and lacking in deede no courage or greatnes of minde, but ſome ripenes of iudgement (for want of yeares and experience) to diſcerne whereto this tale and deuiſe tended, beeing eaſily circumuented by this old craftie fox, and long practiſed traitour, gaue ſome an inclining eare to this his ſmooth talke, whiche ſhewed outwardly, a greate eſtimation of the ſaied Lord Darleys perſon and vertue, with a louing deſire of his aduancement.

Wherfore to make ſhort, this yong Lord hauing the ſame by diuers meanes inculcated into his

his head, sometime by scornefull reproches vttered to him by the way of mirth, of his to base suffering such contempt, and sometime by subtil persuasions and earnest instigations of sundrie the Confederates: in the ende, the vnfortunate yong Lorde was brought first to vse straignes toward the Queene, and sone after to ioyne with ỹ Confederates that were wrought by Murrey to become the butcherly murderers of this poore faithfull Secretarie, in whose bodie the saied Lorde Darleys owne dagger was founde sticking emong a number of other deadly woundes, wherwith he was there miserably stabbed, in the very presence of the Quene his Maistres, being great with her first and onely childe, and

inde-

indeuouring herſelfe by intreatie, and otherwiſe (as ſhe was hable) to ſaue him, til by a charged piſtolet bent towars her (as was ſhewed before) ſheer was alſo put in fear of her life, and violently thruſt, not into her owne priuie chamber, but into an other, with onely one of her Gentlewomen to waite vpon her.

Murreys enterpriſe beeing thus farre aduanced, hee thought (this ſtumbling blocke of the wiſe and faithfull Secretarie being remoued, and therwithal ſo notable a cauſe of vnkindeneſſe caſt betweene the Queene and the ſaied Lorde Darley) he needed not muche to doubte, but that he ſhould wel find the meanes, ſhortly to bring to paſſe, that the ſaied

Lord

Lord Darley being now nuſſled in blud, ſhould be wrought for geme of the Crounc (which ſeemed offred vnto him) to diſpatche alſo the Queene her ſelf, or at the leaſt, to geue his conſent to the deſtroyng of her.

But God otherwiſe diſpoſed. For this Noble yong Gentleman, by the ſecrete inſtinct of nature, and of Princely minde he drew with the Royal blood of his Noble Mother, begannc euen foorthwith to repent, and to abhorre the foule fact he had committed. And therevppon finding his own fault, and for aſhamed thereof, he preſently entred into the chamber, where the deſolate Queene kneeled in feare of her life, mourning his ingratitude, with the loſſe of her old faithful ſeruant the Secretarie, and in humble and

moſte feruente praier to God, to defend and preſerue her and the infant in her wombe, from the cruell handes of thoſe traitours, whoſe bloudy daggers ſhe looked preſently to feele alſo in her owne bodie.

When he, being touched with remorſe and with the grace of God (obteined, as it may wel be thought, with the pearcing praier & abundant teares there poured foorth by that good and vertuous Ladie) entred into the chamber: he preſently fell deune on his knees before her Highnes, aſking mercie and pardon for the great errours he had committed, with ſufficient ſhew, ỳ he was now hartily ſorie therefore, & gaue very faithfull aſſurance, that he woulde from thencefoorth, vnfeinedly be to her Highnes ſuch, as du-

tie and

tie and her exceeding kindenes and demerits toward him had iustly bound him.

To make shorte, the good Queene, seeing this notable chaunge so sodainly to happen somewhat beyond her expectation: first most humbly thanked God (whome shee saw to bee the onely Author thereof) then louingly imbracing her sorowful husband, shee not onely pardoned sweetly all his former vnkindenesse, and grieuous offences committed against her: but seeing (better then he did) the present daunger wherein they bothe stoode, shee foorthwith by her excellente wisedome deuised and put in execution suche politike meane, as wherewith shee saued that nighte both him and her selfe by escaping away in

disguised

disguised apparrel.

The Earle of Surrey seeing then (contrarie to his hope) this reconciliation betweene the Queene and the Lorde Darley: imagined, as it followed, that all his traiterouse practises woulde be discovered to the Queene, and resolued with him selfe, that now there remained no way for his owne safetie, and to aduaunce the desired ende of his traiterous purpose, but to make shorte worke, and to gette the saied Lorde Darley to be dispatched out of the waie. And that being done, he doubted not, by one deuise or an other, to make a bande also with the desolate Queene, or at the least to get her by some good colour deposed, & himself placed in the Royal seate & gouernemẽt of that Realme.

This

This mischeuous deuise how he compassed & atcheued euen to his minde, the world hath seene, and the processe of this discourse hath before opened. I wil therefore (desiring herein to be as short as I may) forbeare the repeating thereof againe in this place, and proceede to the nexte Acte of this Tragedie.

Yet one thing farther may I not omitte to shew, what fayth and fidelitie was in this Traitor Murrey: who seemed now to haue cast away al shame, al regard, not onely to God and his Prince, but also of his own honour, fame and credit. For after all things brought to the termes you see, euen as he would haue it: yet could he not by any meanes bringe these thinges to suche passe, but that

diuers

diuers yet of the principal Nobilitie of Scotland fauored the Queene, & remained her faithfull and loyall subiectes, soliciting daily by all meanes they could (for by force they were not able) to compound these greate garboiles and troubles, and to procure by some treatie, the deliuery and reducing of their Queene, whome beside their duetie of allegeance, they singulerly loued and honoured for her liberalitie, clemencie, wisedome, and other singuler vertues.

They hauing therefore with earnest solicitation procured, that Murrey was at the last contente to come to a parlee with them, and to geue them safeconduct (which he did, with such other assurance by promise confirmed by oth and writing,

of

of free passing and repassing with safetie, as they thought sufficient, and so might, if there had ben least in him any honor, honestie, feare of God, or shame of the world) behold, euen in the midst of their talke and conference aboute pacification of their great troubles, he caused violent handes to be sodainely laid on the Duke of Chastleroy, the moste Noble and principall Peere of that Realme: and on that graue, stoute, and faithfull Noble man the Lorde Barris, and cast them both into close and straight prison, contrarie to his promise, faith, safeconduct, and assurance geuen vnto them.

In Cronograp. Pontaci Burdeg.

What Turke would so haue vsed himselfe? How euidently did this part shew, that he was rather of a Punike, then of a

Chri-

Christian faith? Howe truely saith the wiseman? Impius, cùm in profundum venerit, contemnit: sed sequitur eum ignominia & opprobrium. The wicked man, when he is come to ꝑ bottome of iniquitie, becõmeth impudẽt: but shame & reproch followeth him. Which you shall soone see verified in this man, who seined now to thinke him selfe in such securitie, as he contemned al honest respects, conscience, honour, honestie, faith, feare of God or any other thing that good men vse to regard in al their actions. Prouerbior. 18.

This bastard Earle hauing now by these bloudy & faithlesse steps attemed to ꝑ absolute regiment of ꝑ Realme of Scotland, by the murder of Dauid the Secretarie, of that goodly yong Prince the Lord Darley, the

the trafterouſe impriſoning of the Queene his Soueraigne, the ſhameful ſlandering of her, and the violente pulling from her, and ſeaſing into his bloudy clawes not only all her iewels and treaſours, but her deere childe alſo and only comforte, now remaining to take his turne the ſame waie his father was ſent, ere he ſhould grow vp to any yeares and diſcretion to take notice of theſe thinges: it remained, that God (hauing for ſuche cauſes, as to his prouidence were beſt knowen, permitted this wicked man, beeing leaſt ouer to his owne luſtes, thus farre to proceede in his miſchiefe) would now both by ſhew of his mercie and iuſtice, geue matter to the fourth Act of this Tragedy.

He therefore caſting doune

from

from his high heauenly Throne a pitiful eye, and enclining his mercifull eare to the ruefull lamentations of this wofull, innocent, and desolate Ladie crying to him daie and nighte for some comfort & redresse of these so many & so intolerable wrõgs done vnto her, did first of his Diuine mercie and compassion miraculously deliuer this pretiouse Jewell, this Noble and innocent Quene, out of ỹ strongest prison of Scotlãd, throughly furnished with numbers of souldiers, enuironned with large deepe waters, and garded by the very mother of this traitour Murrey, with the assistence and lewd aduise of their dishonest mother.

This being done by Gods woonderfull prouidence, the Queene tendering not so much

the

the recouerie of her Crowne, as
her honour and fame, by that
wretched Murrey & his Com-
plices so shamefully touched,
and vniustly impaired with
many, that knew no more of
these deepe practises, then
that that was openly geuē forth (to
her slaunder) by the said Mur-
rey and his fautors, and now
efsones pursued by the saied
Murrey by violence and force
of armed men to haue ben mur
dered in open field, if by the
slaughter and death of many
her faithfull subiectes her owne
life had not bene redeemed: she
laying aside al other respectes,
tooke her waie into England,
where the Father and Mother
of her murdered husbād dwell,
by whose meanes and good as-
sistence shee nothing doubted,
but to get this souls matter in
diffe-

differently examined, the truth to be boulted out, and thereby her innocencie made cleere to the world, by the iuſt reuenge that the Noble menne of that Realme, aſſiſted with her owne loyall ſubiectes in Scotlande, would take vpon thoſe her rebels and moſt vnnaturall murderers of her deere huſband.

But when her Highneſſe comming with this honorable intent, was by Gods guiding ſafely arriued in England: behold, ſhe being at her firſt landing gētly receiued, was (alas) ſoone after apprehended, and after a ſorte, caſt there againe into priſon. So greate was the ſolicitation of her Aduerſaries, and ſo great an impreſſion had the ſlanderous bruits and traiterous practiſes of the ſaid Murrey and his friendes

made there in the mindes not onely of the Noble men, but almost of all others generally.

Howbeit God that knew the secrets of al, after this notorious shewe of his merciful compassion by the miraculouse deliuerie of this innocent Ladie out of the handes of her greatest ennemies, that intended her death, into a more mild prison, where shee was safe from suche bloodby attemptes (whiche shee did with reason fearefully expecte in the other euery houre) permitted Satan sone after to paie certaine the principal instrumentes and aduãcers of this his seruice with their due deserued hire.

For first he suffered a spirit of phrenesie to enter into ỹ person of that Noble yong Prince the Earle of Arrane eldest sonne to the Duke of Chastleroy: which

Earle

Erle of Arrane being in Frãce of great estimatiõ for his goodly person, wit, courage, and nobilitie, and hauing there great charge, credit, and very honourable intertainement, was by this traitour Murrey, and an Embassador then liggier there (whom I wil forbear to name) so finely practised with (being promised, ẏ if he would ioyne with Murrey in these attẽpts, he should haue in England & Scotland dubble the intertainment he had there, and perhaps marie with ẏ best in England, whereof they gaue him diuerse waies no small shewe of great likelihod) ẏ he vnwisely condescending to their lewd coũsel & craftie persuasions, least the very honourable estate and intertainment that he had in France, & becomming vpõ these hopes one of Murreys confederates,

repaired into Scotland, and
ſone after into England. But
finding in time, that things fel
not out to the anſwering of his
hope, and that he failed both of
the wife and double intertein-
ment that was promiſed him:
he fel byſide him ſelfe, or rather
ſtarke mad, and ſo lyuing cer-
taine yeares, at the laſt he died
in plaine Lunaſie, and in very
miſerable caſe.

An other great man yet li-
uing, a principall member of
this conſpiracie, is diſplaced of
the regimēt (which, next Mur-
rey, he looked for) by ſuch as he
thought had fauoured him and
his doings.

But yet more notable was
the paiment, that by Gods ſuf-
ferance, the Deuill gaue of de-
ſerued hire to his principal ſer-
uant the Earle himſelf. For he
being

being nowe in his chiefe pride, enioying al his desires, & thinking himselfe to haue made so sure with all his Aduersaries, that he needed not to feare by them any disturbance of his greate felicitie, was sodainely stricken, as he rode in the midst of his Gard, with two or three pellets that were at once shot at him by a Gentleman (no les pitt, as the world knoweth) to whome he had in his late gouernment done in priuate very great and insolente iniuries.

And with the blow falling presently from his horse, sone after hee gaue vp his sinfull ghoste amidde his tyrannical gouernment of that Realme in al causes both spirituall and temporal, whervnto he was climmed by suche meanes, as ye haue heard before.

Herevppon the Nobilitie there, are fallen also emong themselues to suche dissention, & al the subiectes to such a lawlesse loosenes (while eche man attending chiefely to ỹ increase of his faction, malefactours are rather cherished and borne out in all their enormouse factes, then any one iustly punnished and bridled by due course of law) as is like shortly by confusion to breede the vtter ruine of that Realme.

For such is the natural agreement betweene the head and the members, and suche the secrete instinct betweene the true lawful Prince, and the multitude of loyall subiectes, as while their true and natural head is detained from them, & they neither will, nor can in reason, yeeld to the regimente of any vsurper,

per, there is not to be hoped or looked for any other, then such inuasions as they haue already tasted, and finally in shorte space a final ruine and desolation of the whole Realme of Scotland.

Beholde herein the merueilous iustice of God, not only in notorious permitting the iust punnishment by speedy death of the chiefe particular Authors in this to true a Tragedie: but in suffering these plagues to light also on ỹ whole Realme, where suche foule attemptes could find not only free course, but abettors also and partetakers in suche disloyall enterprises and wicked proceedings.

Of whiche their desolation and plagues, when they haue struggled al they can one

againſt an other, yet can they not hope for any other ſtaie, til thei uniting themſelues againe in the feare of God and mutual accord, doe by al ẏ good meanes they poſſibly may, ſeeke to be reconciled in al humble, dutiful and unfeined ſort, to their lawful, natural, and moſt gratiouſe Queene: and to procure the reducing and reſtoring of her to her libertie, honour, and kingdome, wherof by the very lewd practiſes before laid foorth and wel knowen to the worlde, her Highnes hath ben, and preſently is, ſo wrongfully deprined.

And now, good Coſine, hauing accompliſhed your deſire, & alſo ſatiſfied mine owne dutie and conſcience in reuealing unto you the truth of theſe matters, for ſo farreforth as I take on me to saie, forasmuche as

offen-

oftentimes it happeneth, that such a priuate cõference groweth in time to bee made more common, and conjecturing by the maner of your earnest and curiouse demaunde, to haue it with al such circumstances and particulars, as I could learne, that your meaning might bee (perhappes) in time to make it more publike & common to the worlde, then yet you would be acknowen of to mee: and considering, that thereby it should be by all likelyhode moste conuersant with the Nobilitie and Gentlemen of this Nation of Scotlande: I haue therefore thought it conuenient, vnto the ende of this Letter or discourse to adde these few wordes, as a briefe Exhortation vnto them, vnto whom for many respects I wish wel, and haue cõpassion

of their error, and do not doubt (for the good natures that I knowe to bee in sundry of the chiefe of them) but that they will bothe take it well, and in time as they may, apply themselues thereunto. And thus I bid you right hartily farewel.

# AN EXHORTATION TO those Noblemen of Scotland, that remaine yet maintainers and defenders of the vnnatural and dishonorable practiſes againſt the Queene.

AND now, my Lordes of the Realme of Scotland, you that haue vnaduiſedly ſuffered your ſelues to be made the inſtrumentes & ioint-workers of theſe miſchiefes by the craftie perſuaſions of the baſtard Earle, and are yet by other corrupte & indirect meanes mou-

inducted to perſiſt and continue in the maintenance and defence of the ſame: to you I will now be bold for a few wordes to direct my ſpeache.

If the iuſt conſideration of the ſubtill perſuaſions and deceitfull pretenſes made vnto you from time to time by the ſaid Earle Surrey, who neuer opened vnto you the fine, end, nor marke of his traiterouſe ambitiouſe minde, that aſpired to vſurpe the Croune of that Realme, as more then manifeſtly appeared before he died: if thoſe falſe guiles, I ſaie, now ſo euident in al your eies, ſuffiſe not to reſolue you of the vnlefulnes of your proceedings paſt in proſecuting of this enterpriſe, and now at lengeth to deſiſt therefro: yet let the iuſt end and the ſodaine feareful fal of

that

that Earle, in the middeſt and height of his pride, be vnto you al a ſpectacle and an example of Gods terrible iuſtice, and righteous reuenge, that neuer faileth at one time or other to fall vpon the Authors and wourkers of ſo horrible and monſtruouſe attemptes, how long ſoeuer they bee ſometimes differred and delayed.

Conſider (I beſeeche you) more aduiſedly then you haue done, the very nature and qualitie of theſe your actions and attempts: and way how farre they paſſe the limites of all honour in your ſelues, howe they exceede the boundes of all ductie to God, to your Prince, and to your Countrey, & how they ſurmount the cumpaſſe of al reaſon, ciuilitie, and humaine nature in the iudgement of the

whole

whole worlde.

And when you haue consyderately bethought your selues vppon these your errors, and haue seene howe meruciously you haue bene abused by that false Traitour, first to enter, and since to walke and wade forwarde in that lothesome and odious byppath of vndutifull disobedience, and vnnaturall treasons: you are not (I trust) so vtterly graceles, nor so deepely drowned in the dongeon of vnsensible darkenesse, but that some remorse you shal feele, and motions of repentance, for your so great ouersightes both toward God and your Prince. And let your passed experience of your trauelle and turmoile so many yeares continued, teache and

assure

assure you, that the farder you proceede in this vile course, the more shal you still finde of that, which you haue hitherto founde. That is to saie, that bothe your selues, and your whole naturall Countrey, by this your fault, shal sinke daily deeper and deeper, as it were, into a bottomlesse Gogmyre of infamouse calamities to horrible to bee heard of.

Out of which to raise and recouer your selues and your Countrey, there is none other waie leaft you, but againe to vntwist the thriede, that your selues haue holpen to spinne, beginning firste with vnfeined contrition, and calling to God for mercie and forgeuenes for these your greate outrages, and acknowledging withall,

(as

(as the truth is in deede) that ſynce you firſt fel from him, and forſooke the true faith of your noble Progenitors (which for fleſhly libertie and couetouſnes of the Church goods you firſt abandoned) that by this ſpirituall blindnes wilfully vnbraced, you had neuer ſynce ỹ grace to eſteeme Ciuil iuſtice, nor to obſerue the common obedience that al ſubiects, both Chriſtian, and Ethnical are borne in, and bound vnto.

And ſecondly, with al humilitie and faithfull meaning, to confeſſe your errours & faultes vnto the Queenes Maieſtie your Soueraigne, and to craue for the ſame her gratious pardon, with promiſe and performance, by your faithfull vttermoſte ſeruice in her obedience, euen to the ſhedding of your

bloods

bloods at her commaundemẽt, to redubbe and acquite to your powers, your offences past. And if any respect of pride, wilfulnesse, corruption by reward, or vnlauful oth or promise shal withholde you yet any longer from the same, beside ẏ ruine that you see your Countrey suffereth, the weakening and consumption of your Nobilitie & people, the lying waste and vnoccupying of your naturall soil, the extinguishment of iustice, & the vnbrideled educatiõ of your youth in al vnlefwl libertie and mischiefe: beside all these (I saie) beholde with what eyes the whole worlde abrode, Christen and Heathen, must looke vpon you: vpon your selues, I saie, ẏ are the contriuers therof, & what the present tongues and pennes of all sortes of men must

amisse sale of the same.

1. Is there any one of your selues (admitte that he be willingly blind) yet so vnsensible, that he palpably feeleth not the intricable Labyrinth & confusion, into whiche your selues are entered, and haue led your whole Nation after you.

2. Hath any of you so farre stripped your selues from the nature of man, that you feele nothing of the slaughter and murder of so many of your Countrimen, seruants, friends, & kinsfolke, as in these v. yeares haue perished emong you?

3. Can any of you denie, but that since your renouncing of your dutifull obedience vnto your iust Soueraigne, in which you were borne (neither with so many bloodie battailes as haue since bene fought for the same,

ſame, neither with ſo many friendly treaties and amicable meetings, as emong your ſelues haue bene made for ending of this controuerſie, neither yet with any counſel or authoritie (forreine or domeſticall) you could neuer yet reduce your ſelues to accorde vpon any other Prince or fourme of Regimente, that could continue ſix moneths together, without beeing diſſolued by ſome of your ſelues that were parties vnto it?

Is there any emong you ſo voide of honour, ſo deſtitute of ciuilitie, or growen ſo barbarouſe, that he feeleth no ſhame of the Mooriſh vntaithfulnes, & daily violation of euery mans promiſe & faith geuen to other, euen emong your ſelues, ſo farforth, that therby in effect is taken away al mutual comforte,

that

that mans nature taketh in conuersing friendly one with an other?

5. Is al natural loue so extincted in you, that you feele no paine of the many incursions and forreine forces, of the burnings, wastes and slaughters, that by the handes of your pretended friendes (Enemies in dede) haue ben of late committed emong you?

6. Or is there no sparke of wisedome or common reason left in you, that might shew you, what must be ỹ inevitable end of this intestine dissension & ciuil discord emong your selues: wherin whosoeuer winneth, onely Scottish blood is shed, and the Realme of Scotland looseth, to ỹ final extirpatiõ of your selues and your Families for euer?

If none of all these doe yet suffise,

ſuffiſe, to perſuade you to retire in time from theſe your inſolencies: then behold, I beſeech you, how manifeſtly to the eies of al the world the wiſedome of God confoundeth your practiſes, and his merciful prouidēce conuinceth your follie. For, ſee you not, that euen now amids theſe your vnlauful labors to reuoke your obedience, & whiles you the natural ſubiects of her Maieſtie haue done your vttermoſt, and yet doe ſtil murmure (without pretenſe of iuſt cauſe) to depoſe and depriue your vndoubted Soueraign, euē now, I ſaie, whiles you are warmeſt in working of this, behold, the Royal Nobilitie and people of England, in nūber farre aboue you, and your equalles at leaſt (in euery degree) bothe in liuing, in parentage, and in al other

other gifts of God and of nature, and (who might in comparison of you be accõpted but as strangers or enemies to her Maiestie your Soueraigne) do with one vniforme mind adore & imbrace her, and with al due deuotion accompt her for their Quene in succession, when God shal so dispose.

Close therefore no longer your eies so obstinately against Gods wonderful worke. You plainely see, that whome you would spot and defame, God wil haue cleared and shewed to be guiltlesse: whome you with armed forces did imprison and restraine, God set at libertie without any other hande or meane, then of her owne wisedome & policie: & whome you her subiectes & vassalles would dispossesse of a meaner kingdome

dome, vnto whiche thee was borne. God wil haue aduanced by strangers to a farre greater and more ample Dominion.

If this much you see not, behold then the blindnes of heart you are entred into, and see the plaine reprobate sense, vnto which ꝑ iustice of God hath deliuered you ouer: & if you see it, and wil yet persiũ in it, though Gods grace faile you, let yet the vaine fame of the world and the idle reputation of menne, somwhat moue you. Suffer not your selues from mẽ to be changed into vnreasonable beastes, and to bee accompted sauage and wilde, woodde or starke mad, as al they are, that being once vnwares stepte ouer the hooes in an vnsauery place, wil yet ronne headlong forewarde, til he sinke in the same

ouer

ouer headde and eares, rather then he wouldde in time retire, and clense his shoe againe.

It is humaine to fall and to erre, but it is diuelish to persist and continue. It is no shame to returne from euill, but the shame is to defend euil, & wilfully to rest therein. You haue forsoth examples inough, that inuincibly do proue, that there is no time past for your reconcrie, if you wil. For many are there yet liuing emong you, that once were parties with you, whome Gods grace and their owne honours and wisedoms haue brought to see their error, and to resourme ẏ same: whereby they are euery waie restored both to their ꝑinces fauour, and to their owne reputation in the iudgement of al men. Feare not therefore, nor

for-

forbeare not any longer to follow their example, and to take that safe waie, that they haue troden before you, which is safe and assured for your selues presently, for your families & successions to come, and for your soules eternally.

If you thinke the weighte of your crimes to bee more heinous, then can easily be pardoned: behold your Soueraignes clemencie, that singularly shineth emong and aboue al other her princely vertues, wherwith she is abundantly adorned. I nede not in this to spend many woordes, the examples thereof are so many, so freth, and so sufficiently testified by the experience of many of your selues, vpon whome she hath exercised and put in vre the lesson of the Gospel, that teacheth none end Matt. 18.

to bee of forgeuing offenders, that doe in time duely seeke it.

Neither are you ignorant, that of herselfe she is both grateful of nature, and wise in policie: by both which shee must of necessitie be induced, both hartily to forgiue them that nowe hartily turne vnto her, and to see that the state of her Realme, and of her owne person also are presently suche, that as it were in dede no policie for her to doe otherwise, so may your fidelities and seruices now stand her in such steade, as may iustly deserue the pardon you craue, and bind her in honour to remember them for euer.

If Gods holy woord (which you pretend to adore) do manifestly threate a terrible reuenge to them that greue and oppresse the widdow or orphane (were

they

they the poorest that may go on the grounde): And if the state and dignitie of Gods annointed be so sacred in his sight, that he forbiddeth the same once to be touched: shal these your insolencies then against your Soueraigne in her desolate widowhood escape vnpunnished, she being such a Queene, as for whom it seemeth that euen from her birth not Scotland alone, but England, France, and Ireland to haue seemed to contend which of them should haue her for their Gouernesse & Queene: yea, whome God himself (foreknowing by his Diuine prescience, what a Paragon of vertue she should proue) seemeth verily to haue appointed to bee Queene in time of all fower Realmes.

Finally beholde, what hath

bene the euent and ſucceſſe of al ſuch ſeditious conſpiracies in all times and ages before your daies. Peruſe ẏ Hiſtories both of your owne, and of all other Countries. And if you litle eſteeme the memorie of things farre paſt, behold the experience of theſe preſent daies. Loke into all Countries and Nations neare adioyning vnto you, and you ſhal find, that none of them hath eſcaped from rebellion & inteſtine ſedition within ẏ time of your owne memories, nor that yet they are clearly deliuered of the dregges of the ſame. And what hath (I praie you) enſued theron? They haue kept in dede a great ſtur for a time, but what haue the Authors and mouers gained therby, other then their owne vtter ruine & infamie for euer? And what is become

become of that they haue stri-
ued for: when they haue long
contended mutually emonge
them selues, and when ech hath
spilled much of others blood,
and many an honest man dead
in the quarrell: the matter for
the moste parte remaineth as it
was, and litle or nothing bring
they to passe of the huge alterа-
tions that thei attempt, nor ne-
uer shal, therof assure you.

For the Maiestie of God that
is euer one and the same, neuer
prospereth ỹ vnlauful attempts
of Subiects against their Prin-
ces, enterprised by priuate au-
thoritie. Let Machiauel saie
what he list, & beleeue him who
wil: ye that are his disciples, to
your owne perditions you shal
find the ende as I tel you. For
bysides that Diuine authoritie
so promiseth it, and worldly ex-

perience so teacheth it, very rea-
son also sheweth, that it can be
none otherwise. For where the
foundation is faultie & hollow,
the more weight that is heaped
and builded theron, the sooner it
bringeth the whole to ẏ ground.
And what hath ben the founda-
tion of al these your garboiles,
oth your selues do know, the
world seeth, and I haue briefly
told you, as this place wil per-
mitte. Wherupon to build and
heape on, any more of ẏ kind of
stuffe, you shal finde it not only
vaine and fruitlesse, but plainly
pernicious, and to worke your
owne destructions.

Al men that haue either learn-
ing, wit or common sense, dis-
couering daily more and more
the infinite calamities, and the
very gasping death, as it were,
of their whole Nation & Com-
trey

they fall to approche by meane of theſe vpzoares and ſturres, alreadp doe, and daily will ware wearp thereof, deteſt the cauſe, and geue you ouer in the plaine field: and ſo would haue done (no doubte) eare this, if the ſweete taſte of ſoreine rewardes had not holden them moze, then any deuotion they haue now to you or your cauſe.

If ſtil you depend and hope vpon other Princes aſſiſtence: that wil but deceiue you. For as it is not vnknowen, from whence you haue had your ſuppoarte hitherto: ſo doth all the woarld well know withall, that for others owne policie onelp, and not at all for yours, you were at the firſt ſuborned, and euer ſynce maintained, to do, as you haue done: and to be but the miniſters and inſtrumentes

in deede of their priuate practi-
ses, that neither long shal neede
your ministerie therin, nor shal
not for euer be able to sustene
you in the same, but shall and
wil, eare it be long, euen for
their owne better policie also,
ioyntly with al other Princes
abrode, abhorre and detest the
perilous president, that herein
you giue to the great multitude
that are subiectes borne euery
where.

And albeit some of them doe
for the time serue themselues of
you: yet doubt you nothing of
it, but that euen they that so do,
see well inough, knowe right
wel, and iudge both you and
your doings to be as they are,
and wil no longer spot and di-
staine their Princely persona-
ges and honourable vocations
with the maintenance of so dis-
honorable

honorable attemptes, and of so daungerouſe examples to all Monarks and Kings: no longer, I ſaie, then whiles of mere neceſſitie, they ſhal thinke them ſelues thereto conſtrained by their own policie, but ſhal then leaue you in the middeſt, and let you go as you are, to your own perpetual infamies, and to the raſing and extirpation of your names and ſucceſſion for euer, if you doe not reuoke your ſelues, and retire in time: which that you may doe, God of his mercie graunt you the grace, &c.

FINIS.